

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL
OF THE
UNITED PROVINCES
OFFICIAL REPORT

VOLUME LVII

From 15th to 20th and 27th February, and 6th to 9th March, 1933



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LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Wednesday, 15th February, 1933.

THE Council met at Council House, Lucknow, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (78).

The Hon'ble Mr. E. A. H. Blunt.
The Hon'ble Captain Nawab Sir
Muhammad Ahmad Sa'id Khan.
The Hon'ble Nawab Sir Muhammad
Yusuf.
The Hon'ble Mr. J. P. Srivastava.
Mr. J. M. Clay.
Mr. C. St. L. Teyen.
Mr. P. Mason.
Mr. P. M. Kharegat.
Mr. H. A. Lane.
Mr. J. R. W. Bennett.
Colonel H. R. Nutt.
Mr. H. J. Frampton.
Khan Bahadur Saiyid Ain-ud-din.
Rai Bahadur Babu Phul Chand Mogha.
Mr. J. N. L. Sathe.
Mr. S. S. L. Dar.
Mr. J. Whitehead.
Mr. S. T. Hollins.
Saiyid Abdul Hasan.
Mrs. Kailash Srivastava.
Khan Bahadur Maulvi Fasih-ud-din.
Mr. F. Ahmad Shah.
Rai Sahib Babu Rama Charana.
Mr. Ferma.
Rai Bahadur Babu Awadh Bihari Lal.
Rai Bahadur Babu Kamta Prasad Kakkar.
Chaudhri Ram Dayal.
Chaudhri Jagannath.
Chaudhri Baldeva.
Mr. Tappu Ram.
Chaudhri Ram Chandra.
Chaudhri Ghasita.
Chaudhri Arjuna Singh.
Pandit Joti Prasad Upadhyaya.
Chaudhri Dhira Singh.
Babu Kamta Nath Saksena.
Mr. Brijpandan Lal.
Rao Narsingh Rao.
Chaudhri Ram Adhin.
Mr. Bhondur Ram.
Chaudhri Bharos.

Rai Bahadur Babu Jagadeva Roy.
Mr. Bahari.
Rai Sahib Rajeshwari Frasad.
Pandit Prem Balabhai Belwal.
Thakur Jang Bahadur Singh Bisht.
Sardar Bahadur Thakur Narayan Singh
Negi.
Pandit Brahma Dutt alias Bhaiya Sahib
Rai Bahadur Thakur Hanuman Singh.
Rai Bahadur Lal Sheo Pratap Singh.
Kunwar Diwakar Prakash Singh.
Thakur Muneshwar Bakhsh Singh.
Raja Birendra Bikram Singh.
Rai Rajeshwar Bali.
Syed Ali Zaheer.
Syed Yusuf Ali.
Khan Sahib Muhammad Maqsood Ali
Khan.
Captain Nawab Muhammad Jamshed Ali
Khan.
Nawabzada Muhammad Ishaqat Ali Khan.
Mr. Muhammad Rahmat Khan.
Khan Bahadur Muhammad Haidiyar Khan.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Maulvi Saiyid Habibullah.
Khan Bahadur Saiyid Zahid Ali Sabzposh.
Khan Bahadur Shaikh Ghulam Hasan.
Khan Bahadur Saiyid Jafer Husain.
Shaikh Afzal-ud-din Hyder.
Khan Bahadur Sardar Muhammad Shukr-
dad Khan.
Khan Sahib Muhammad Imtiaz Ahmad.
Shaikh Muhammad Habibullah.
Mr. L. M. Medley.
Chaudhri Muhammad Ali.
Thakur Rampal Singh.
Rai Bahadur Kunwar Bisheshwar Dayal
Seth.
Raja Jagannath Bakhsh Singh.
Mr. B. M. Souter.
Rai Bahadur Babu Vikramajit Singh.
Babu Gajadhar Frasad.

MEMBERS SWORN.

The Hon'ble Mr. E. A. H. Blunt.
Khan Bahadur Saiyid Zahid Ali Sabzposh.
Colonel H. R. Nutt.
Mr. J. N. L. Sathe.
Saiyid Abdul Hasan.

QUESTIONS AND ANSWERS

STARRED QUESTIONS.

*1 to 9. **Chaudhri Muhammad Ali:** [*Answered on 29th November, 1932.*]

LONDON MISSION RAMSAY HIGH SCHOOL, ALMORA.

. no. Date.

*198 7-11-'32

*77 24-11-'32

*10. **Pandit Prem Ballabh Belwal:** Is it a fact that the authorities of the London Mission used to grant pensions and gratuities to their retiring school teachers from the school income fund which also included the Government grant? Do the authorities now follow the same practice? If so, how many of the school teachers have been granted pensions under the new management?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava): Yes, in some cases.

No.

Does not arise.

*200 7-11-'32

*79 24-11-'32

*11. **Pandit Prem Ballabh Belwal:** Will the Government be pleased to lay on the table a list of the teachers with their educational qualifications employed during the London Mission regime who have now been removed or compelled to resign by the new authorities and also the names of the new teachers appointed in their places with their educational qualifications?

The Hon'ble the Minister for Education: A statement showing the names of the teachers referred to in the first part of the question is laid on the table. The management have not yet furnished the rest of the information required.

(See Appendix A, page 46.)

*204 7-11-'32

*83 24-11-'32

*12. **Pandit Prem Ballabh Belwal:** Will the Government be pleased to lay on the table the rules of membership of the executive education committee referred to above?

The Hon'ble the Minister for Education: A statement is laid on the table.

(See Appendix B, page 46.)

NO-CONFIDENCE MOTION ON THE CHAIRMAN, DISTRICT BOARD,
BENARES.

*39 8-11-'32

*97 24-11-'32

*13. **Munshi Gajadhar Prasad:** Will the Government be pleased to state if it is fact that a resolution of no-confidence was presented to the Chairman, District Board, Benares, under the signatures of not less than nine members for the board's meeting to be held on 5th October, 1932?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf): Yes. Subsequently four of these nine members withdrew from the resolution and sixteen members asked the Chairman to postpone it instead of including it in the agenda of the meeting fixed for 5th October, 1932. The resolution was accordingly placed before the board at a meeting on 1st November, 1932, when only eight out of twenty-seven member voted in its favour.

***14. Munshi Gajadhar Prasad :** Is it a fact that Thakur Ramnath Singh and certain other members put certain questions as regards the receipt of the motion, the reason for withholding the same, and the law which gave the Chairman power to put off such matters when there was definite requisition of one-fifth of the members of the board?

O. no. Date.
*40 8-11-'32
*98 24-11-'32

The Hon'ble the Minister for Local Self-Government : Yes.

***15. Munshi Gajadhar Prasad :** Is it a fact that the Chairman refused to give any reasons and in this connexion admitted that he had ordered the secretary and the head clerk not to receive papers from members on the subject?

*41 8-11-'32
*99 24-11-'32

The Hon'ble the Minister for Local Self-Government : The facts are that some members raised a point of order to the effect that as the questions had not been submitted fifteen days before the date of the meeting they could not be answered on that date; the Chairman held the objection valid and did not answer the questions.

The Chairman has ordered that papers addressed to him by name should be sent to him direct instead of through the office.

***16. Munshi Gajadhar Prasad :** Is it a fact that the Chairman has also ordered that no members entitled to inspect any record without his previous sanction, even though there may be a necessity for inspecting the same with regard to matters on the agenda of the board's meeting?

*42 8-11-'32
*100 24-11-'32

The Hon'ble the Minister for Local Self-Government : Yes. This is strictly in accordance with section 198 of the District Boards Act and was done because certain important papers relating to a meeting of the board were reported missing.

REALIZATION OF FOUR ANNAS FEE FOR EACH NEW NUMBER-PLATE IN
BENARES MUNICIPAL BOARD.

***17. Chaudhri Bharos :** With reference to question no. 45 of 8th November, 1932, will the Government be pleased to state if the fee referred to therein is being realized under the authority of the board? If so, will they be pleased to quote with number and date the resolution of the board fixing the price of each number-plate at 4 annas and authorizing its employees to realize the same?

*46 8-11-'32
*101 24-11-'32

The Hon'ble the Minister for Local Self-Government : No. Does not arise.

***18. Chaudhri Bharos :** Is it a fact that in many cases the price of the number-plate is tacked to taxbills signed by the Executive Officer and realized as tax?

*47 8-11-'32
*102 24-11-'32

The Hon'ble the Minister for Local Self-Government : Yes, but it has been clearly specified as the cost of the number-plate.

***19. Chaudhri Bharos :** What action, if any, do Government propose to take to prevent the board and its officers from realizing from owners of houses in the Benares municipality an unauthorized fee and to return to the house owners the fees thus realized?

*48 8-11-'32
*103 24-11-'32

The Hon'ble the Minister for Local Self-Government : The Government have informed the board that in view of the objections which have been raised they should either confirm or discontinue this charge.

O. no. Date.

DRAWING AND SURVEYING SCHOOL, GORAKHPUR

*8 25-11-'32

*20. **Pandit Shri Sadayatan Pande** (a) With reference to answer to my starred question no. 23 on 4th November, 1932, are men passed at the Drawing and Surveying School, Gorakhpur, recognized by Government?

(b) Does this school exist even now Does Government give any grant to it? If so, how much have they given every year from 1904 up to this year?

(c) Do the rules governing the appointment of district board engineers provide for the appointment as engineers of men passed from this school? Will the Government please lay on the table copies of those rules?

The Hon'ble the Minister for Local Self-Government: (a) The Government has not been able to ascertain whether this school, which no longer exists at Gorakhpur was a recognized school.

(b) No.

No.

Does not arise.

(c) No.

The honourable member is referred to the District Board Public Works Rules printed on pages 279—290 of the District Boards Manual, Volume I, corrected up to 31st March, 1911.

SUPERINTENDENT OF EDUCATION IN THE AGRA MUNICIPALITY

*22625-11-'32

*21. **Mr. Muhammad Rahmat Kha:** With reference to part (a) of question no. 22 of 28th November, 1932, will Government please state if there was no qualified man available? If the answer is in the affirmative, why was an exception made in the appointment of the present superintendent?

The Hon'ble the Minister for Education: A qualified man was available. The Chairman of the Municipal Board reports that Babu Bhagwan Das Bansal was the only man proposed at the time of selection because of his previous good work and experience.

EDUCATIONAL QUALIFICATIONS OF QAZI AHMAD ULLAH,
SUB-OVERSEER OF MIRZAPUR

*25 25-11-'32

*22. **Pandit Shri Sadayatan Pande:** With reference to answer to question no. 23 of 4th November, 1932, will Government please state in which school and up to what class did he receive education and in which year and after passing which examination did he leave the school?

The Hon'ble the Minister for Local Self-Government: Qazi Ahmad Ullah passed the Middle Examination from the Mission High School, Gorakhpur, in 1901, and then studied for the Entrance Examination, but in 1904 he passed the Test Examination of the Drawing and Surveying School, Gorakhpur, and in 1905 the Draftsman and Surveyorship Examination of that institution. It may interest the honourable member to remember that he was himself the Chairman of the District Board of Mirzapur when in 1928 after 26 years' service Qazi Ahmad Ullah was appointed as the board's engineer, an appointment to which Government only consented as a temporary measure in a time of financial stringency.

PROMOTION OF NAIB-TAHSILDARS TO TAHSILDARSHIP DURING 1930. O. no. Date.

*23. **Kunwar Jagbhan Singh**: Will the Government be pleased to state the names of naib-tahsildars who were approved as candidates for tahsildarship during the year 1930? *27 25-11-'32

The Hon'ble the Finance Member (Mr. E. A. H. Blunt): A list is laid on the honourable member's table.

(See Appendix C, page 46.)

*24. **Kunwar Jagbhan Singh**: Is it a fact that only one man has been selected for tahsildarship this year? *28 25-11-'32

The Hon'ble the Finance Member: No, seven naib-tahsildars were selected for tahsildarship.

*25. **Kunwar Jagbhan Singh**: Is it a fact that candidates who were approved for tahsildarship and whose names were put in the reserved list were always selected in the past years? *29 25-11-'32

The Hon'ble the Finance Member: No.

APPOINTMENT OF AMINS IN FATEHPUR DISTRICT.

*26. **Mr. Bhondu Ram**: (1) Is it a fact that on the report of Babu Mahadeo Prasad, Amin Batwara, Collectorate, Fatehpur, for nine extra partition amins the Collector appointed seven Muhammadans and only two Hindus? *1 29-11-'32

(2) Will the Government be pleased to say how many Hindu applicants were there for aminships?

The Hon'ble the Finance Member: (1) and (2) The appointments were made as a temporary measure on the report of Babu Murli Manohar Singh Sandal, the officer in charge of partition work. There were three Hindu and 13 Muhammadan applicants, of whom two Hindus and seven Muhammadans were selected on a full consideration of their claims and qualifications.

CLASSIFICATION OF CERTAIN POLITICAL PRISONERS IN MORADABAD

*27. **Rai Sahib Sahu Jwala Saran Kothiwala**: (1) Is it a fact that last year Lala Dao Dayal Khanna and Lala Bhagwat Saran Agarwala of Moradabad, were given "A" and "B" classes respectively? *6 29-11-'32

(2) Is it a fact that they have been given "B" and "C" classes respectively this year?

(3) Do Government intend to transfer them to their previous classes?

The Hon'ble the Home Member (Captain Nawab Sir Muhammad Ahmad Said Khan): (1) Yes.

(2) Yes.

(3) Government have transferred Lala Bhagwat Saran Agarwala to "B." They see no reason to change the classification of Lala Dao Dayal Khanna.

FINANCIAL CONDITIONS OF THE JAUNPUR DISTRICT BOARD.

*28. **Mr. Zahur Ahmad**: (a) What were the liabilities of the Jaunpur District Board at the end of the financial year 1924—5 and 1928—9 and what were its cash balances on those dates? *7 29-11-'32

(b) What are its present liabilities?

O. no. Date. (c) Who was the chairman during the triennium mentioned in part (a) above or who is its present chairman?

(d) Is it a fact that some of the objections raised by the Commissioner, Benares Division, on the budget of the said board for 1932—3 have not been removed by it in spite of his repeated references?

(e) Will the Government be pleased to state what fresh liabilities have been incurred from April, 1932, up to date.

The Hon'ble the Minister for Local Self-Government: The liabilities of the board at the end of the financial years 1924—5 and 1928—9 cannot now be ascertained as they were not declared in the accounts. The cash balances of the board at the end of these years were Rs.5,236 and Rs.15,870 respectively.

(b) The declared liabilities of the board at the end of the financial year 1931—2 were over Rs.90,000 and have been incurred over a series of years.

(c) Khan Bahadur Mufti Haider Husam and Raja Harpal Singh, the latter being succeeded by Raja Sri Krishna Dutta Dube in December, 1929. The present chairman is Raja Harpal Singh.

(d) Yes.

(e) No further liabilities appear in the statement of accounts furnished by the board. On the other hand the board has paid off a substantial amount of the liabilities existing at the beginning of the current year. The correctness of the statement of accounts can only be determined when the special audit is concluded.

CUTTING OF TELEGRAPHIC WIRES BETWEEN ZAFRABAD AND JAUNPUR
ON 3RD MAY, 1932.

*9 29-11-'32

*29. **Mr. Zahur Ahmad:** (a) Is it a fact that the postal telegraphic wire connecting Benares with Jaunpur Sadar Post Office was cut between Zafraabad and Jaunpur on the morning of the 3rd May, 1932—the day on which the telegram about postponement of elections was to be received from Allahabad?

(b) Was the said telegram of the Director of Public Instruction then received by the Railway Telegraph Office?

(c) When was it received and at what time was it given to the peon for delivery?

(d) When was it actually delivered?

(e) Was he given other telegrams for delivery along with this particular telegram and when were those other telegrams delivered?

(f) Was any inquiry made as regards the cutting of the telegraphic wire and with what result?

The Hon'ble the Minister for Education: (a) No. The line was interrupted by a contact with a fencing wire.

(b)—(e) The information is not available, because message drafts are under the rules destroyed three months after the date of issue.

(f) The Postmaster General reports that the interruption was rectified at 2 p.m. of the day on which it occurred.

STAY IN THE HILLS OF THE CHAIRMAN, EDUCATION COMMITTEE,
DISTRICT BOARD JAUNPUR.

O. no. Date.

*10 29-11-'32

*30. **Mr. Zahur Ahmad:** (a) Is the Government aware that the Chairman, District Board Education Committee, Jaunpur, went to the hills during the last civil court vacations?

(b) How was the work carried on in his absence in the district and under what authority?

The Hon'ble the Minister for Education: (a) Yes. For fifteen days.

(b) By the Deputy Inspector of Schools. No authority was required.

UNSTARRED QUESTIONS

BENCH MAGISTRATES OF DATAGANJ, DISTRICT BUDAUN.

*1. **Khan Bahadur Maulvi Muhammad Fazl-ur-Rahman Khan:** 4 25-11-'32
Is the Government aware that one of the five Bench Magistrates of Dataganj, District Budaun, has not sat on the bench for a long time?

Mr. J. R. W. Bennett: Yes.

*2. **Khan Bahadur Maulvi Muhammad Fazl-ur-Rahman Khan:** 5 25-11-'32
Is the Government aware that the District Magistrate, Budaun, has not so far framed any rules under section 16 of the Criminal Procedure Code for the information and guidance of the said bench?

Mr. J. R. W. Bennett: No rules had been framed by the Magistrate, but he has now framed rules on this coming to his notice.

EMPLOYING OF PROBATIONARY CANDIDATES IN THE MAINPURI
DISTRICT BOARD

3. **Khan Bahadur Muhammad Hadiyar Khan:** Is it a fact that 17 25-11-'32
the District Board, Mainpuri, does not employ the probationary candidates according to serial? If so, why not?

Mr. P. Mason: Yes.

Enquiry made from the board shows that seniority on the candidates' list is sometimes departed from on the ground of special qualifications or to give preference to a relation of a deceased servant of the board.

POUND-KEEPERS OF DISTRICT BOARDS.

4. **Khan Bahadur Muhammad Hadiyar Khan:** Is it a fact that 18 25-11-'32
in all the district boards of this Province the pound-keepers are required to stay throughout the 24 hours on the pounds? Is it also a fact that there are no *gwalas* at the pounds as the allowance for them has been stopped? Do Government intend to ask the boards to keep the *gwalas* again to lighten the work of the pound-keepers?

Mr. P. Mason: Yes.

Only 15 boards entertain no *gwalas* while 16 have *gwalas* at all pounds, 12 have them in some pounds and 5 pay a *gwalas'* allowance to the pound-keepers.

No; it is for the boards to decide in each case whether a *gwalas* is or is not necessary at a pound.

O. no. Date. 5. **Khan Bahadur Muhammad Hadiyar Khan:** Will the Government be pleased to state as to why have the Provident Fund rules not been applied to the pound-keepers of the district boards who are getting Rs.10 per mensem? Is there any special exception provided by the rules of the board?

Mr. P. Mason: The honourable member is referred to rule 2 of the District Board Provident Fund Regulations under which it is open to servants of boards in receipt of less than Rs.20 per month as salary to subscribe to the Fund.

28 25-11-'32 6. **Khan Bahadur Muhammad Hadiyar Khan:** Will the Government be pleased to state which district boards have removed the *gwalas* and where the pound-keepers are not paid the allowance of the *gwalas* although they work for them?

Mr. P. Mason: The honourable member is referred to the answer given to question no. 4.

APPOINTMENT OF DEPUTY JAILORS.

29-11-'32 7. **Kunwar Girwar Singh:** (1) Will the Government be pleased to state the number of vacancies in the rank of the deputy jailors this year?

(2) When will these vacancies be filled up?

(3) Will these vacancies be filled up by direct appointments or by nomination?

Mr. J. R. W. Bennett: (1) It is expected that one vacancy will occur in December next.

(2) As soon as the vacancy occurs.

(3) By direct appointment, from the list of the selected candidates.

TRANSFER OF MURSAN ESTATE OF ALIGARH DISTRICT UNDER THE COURT OF WARDS.

29-11-'32 8. **Kunwar Girwar Singh:** (1) Will the Government be pleased to state under what section of the Court of Wards Act, Mursan Estate District Aligarh has been taken under Court of Wards?

(2) What is the age of the present Raja Bahadur of this estate?

(3) Will it be under the management of the Special Manager, Court of Wards, Aligarh, or under the Assistant Manager?

(4) If under the Assistant Manager, will he have to remain in Mursan or in Aligarh?

(5) What is the total amount of money which this estate will have to pay per month to its employees now and what was it during the time of the late Raja Bahadur Dutt Pershad Singh?

(6) Will the Government be pleased to state the number of Hindus and Muhammadans employed by the Court of Wards for the management of this estate?

8. **Mr. H. A. Lane:** (1) The estate is at present held by the Collector under section 14 of the Court of Wards Act. The proprietor has applied under section 10 of the Act and the proposal is under the consideration of the Board.

(2) 19 years.

(3) This estate, if taken over by the Court of Wards, will be under the Special Manager, Aligarh.

(4) The question does not arise.

(5) A sum of Rs.1,318 per mensem; approximately is being paid now against Rs.1,815 per mensem during the time of the late Raja Bahadur.

(6) Hindus 87.

Muhammadans 36.

**ANNOUNCEMENT *re.* ASSENT OF THEIR EXCELLENCIES
THE GOVERNOR AND THE GOVERNOR GENERAL TO
CERTAIN ACTS PASSED BY THE LEGISLATIVE
COUNCIL.**

The Hon'ble the President: I have to announce that the United Provinces Land Revenue (Second Amendment) Act, XII of 1932, which was passed by the United Provinces Legislative Council on 8th November 1932, received the assent of His Excellency the Governor on 16th November 1932, and that of His Excellency the Governor General on 1st December 1932.

I have to announce that the United Provinces Special Powers Act, XIV of 1932, which was passed by the United Provinces Legislative Council on 1st December 1932, received the assent of His Excellency the Governor on 7th December 1932, and that of His Excellency the Governor General on 19th December 1932.

I have to announce that the United Provinces Prevention of Adulteration (Amendment) Act, XIII of 1932, which was passed by the United Provinces Legislative Council on 8th November 1932, received the assent of His Excellency the Governor on the 27th November, 1932, and that of His Excellency the Governor General on 23rd December 1932.

I have to announce that the United Provinces Municipalities (Third Amendment) Act, XV of 1932, which was passed by the United Provinces Legislative Council on 24th November 1932, received the assent of His Excellency the Governor on 7th December 1932, and that of His Excellency the Governor General on 7th January, 1933.

**RESOLUTION *re* PURCHASE OF SUGARCANE BY SUGAR
FACTORIES.**

***Rai Bahadur Thakur Hanuman Singh:** Sir, I beg to move that this Council recommends to the Government to introduce legislation at an early date fixing the minimum rate at which sugarcane should be purchased by the sugarcane factories.

Sir, the importance of this resolution cannot be overestimated. It is a fact that sugarcane in these provinces is sown at a very small scale, but owing to the construction of the Sarda Canal and increase of other facilities for irrigation cultivators are trying to increase the cultivation of sugarcane. But they cannot venture to do so on any large scale unless they be assured of the profits which they can derive therefrom

* Speech not revised by the honourable member.

Rai Bahadur Thakur Hanuman Singh.]

Considering the cost of labour involved in cultivating sugarcane the margin of profit is very small. It is for this reason that it seems very desirable that Government should legislate and fix the price at which sugarcane should be sold to sugar factories. Sir, I know that some of the owners of factories taking advantage of the ignorance of sugarcane growers purchased sugarcane very very cheap this year which has made cultivators think that sugarcane cultivation is not as much profitable as wheat cultivation. Therefore unless the minimum price of sugarcane is fixed, this idea cannot be removed from their minds. The owners of factories have been able to purchase cane at the rates of 3 annas, $3\frac{1}{2}$ annas, 4 annas and $4\frac{1}{2}$ annas. We all know that these owners of factories play trick with the cultivators when they bring their cane to the railway station or to the factory. They are told that no more cane is wanted and thus they are compelled to wait two or three days. Thus cane dries up to some extent and decreases in weight. The owners of factories then offer a low rate of 2 annas or 3 annas, which the cultivators are compelled to accept. Having taken the trouble of bringing their produce to the factory and knowing that they have not got crushing facilities elsewhere, no other alternative is left to them. If a minimum price of cane is fixed by law, this trouble will be minimized to a great extent and the cultivators will be able to sell their cane with much ease.

Sir, owing to the protection duty sugarcane growing can be very profitable to the tenantry and this should be encouraged by providing facilities for the sale of sugarcane. In this way we can bring more prosperity to the province. Government should interest itself in this matter and introduce legislation which may save tenants from the tricks of owners of sugarcane factories. With these few remarks, Sir, I commend the resolution to the Council for acceptance.

Shaikh Muhammad Habib-ullah : Sir, I am very sorry I have got to say "No" or in other words oppose the resolution as a most impracticable proposition. If we had the power to fix the rates of sale of our agricultural produce, I think we would not have seen the time through which we are passing now. We cannot determine by means of legislation the price of anything unless we have got the monopoly of it, as is the case with opium or liquor. It will be against the principle of supply and demand. By this resolution my friend desires that legislation should be introduced by which we should fix the minimum rate at which sugarcane should be purchased. I am afraid this may not be altogether in the interests of the sugarcane-growers. A time may come when the question may arise as to what should be the maximum price for sugarcane. The mills which buy sugarcane are in an advantageous position to day, because the price of the indigenous product, called *gur* or *rab* is low. Why is it low? Because the price of every other produce is low on account of there being no money in the country or for reasons which are better known to financiers than to myself. Of course, my friend in conjunction and co-operation with Government might evolve a scheme by which this suggestion may become possible

but I for one cannot see eye to eye with him or at least conceive of any method by which a minimum price could be fixed for any agricultural produce. As I have said before, if this were possible, our plight of today would have been quite different from what it is. I oppose this resolution on principle as it is most impracticable and as it is against the principles of trade, the principles of demand and supply.

Rao Narsingh Rao: Sir unlike Shaikh Muhammad Habib-ullah Sahib I have to support this resolution, because it is absolutely necessary in the interests of sugarcane-growing these days, and specially when a lot of factories are being fitted; and when we witness the difficulties that the sugarcane-growers are having these days with the owners of various factories, we feel that it is absolutely in the interest of everybody—it is the first and foremost duty of the Government—to fix some rate in accordance with the wishes expressed in this resolution. The resolution, Sir, does not say that the Government should harass the factory owners, that they should fix anything extraordinary and to ask the factory owners to pay that, whether they gain or lose in the business. The resolution simply asks that a minimum rate should be fixed at which sugarcane should be purchased by the factories. But if the tenants want money and if there is a competition of two or three factories, and if the factories think that they must pay something higher or lower, well, it is their lookout; but they must not pay anything less than the minimum fixed. Therefore, it is absolutely necessary to have a minimum price fixed. The honourable mover very clearly pointed out the difficulties which the honourable opposer did not appreciate. The difficulty is this: there is a factory fitted in a certain area, and everybody in the neighbourhood knowing that the factory is being fitted grows sugarcane. He goes with his cane to the factory, when it is open to the owner whether to purchase the produce or not. If the owner declines to take the cane, the poor tenant has got to take it back home, where he can crush it or turn it into *gur* or do anything else he likes with it. In no circumstances can the tenant sell his produce to the factory owner at a rate other than the one which he has fixed for the purpose. I submit that at a time when Government is prepared to popularize sugar industry and when actually sugar factories are being established in large numbers, it is absolutely necessary for the Legislature to avoid every possible hardship to the sugarcane-grower, and to fix the minimum rate at which sugarcane should be purchased by the sugarcane factories. With these few words I support the resolution, and I hope that Government will accept it.

Mr. E. M. Souter: I also have to oppose this resolution. I have not got anything really fresh to say from what we have heard from the honourable Shaikh Sahib, except that I would like to point out that a very large percentage of the sugarcane factories employ a thekadar or contractor who undertakes the whole supply of the factory at a fixed rate. According to this resolution it is asked that you fix the lowest rate which the sugar factory should pay. Where, therefore, they have this system of thekadari, I do not see how the

[Mr. E. M. Souter.]

present resolution would improve matters as far as the sugarcane-growers are concerned, because even when you do fix the rate at which the factory has to pay, the thekadar can pay anything he pleases to the actual sugarcane cultivator. Apart from this I do not see how it is all possible to fix such a rate by legislation, as it goes contrary to the well-known supply and demand rule.

Rai Bahadur Babu Jagadeva Roy: I have got every sympathy with the resolution moved by my honourable friend, but I am afraid the result of my speech will be that I shall be opposing it. I have given this subject my best consideration, and it seems to me that if two or three points were to be carefully considered, the whole difficulty would be solved. It is stated that there is need for legislation because if the sugarcane-growers of a certain locality go to the neighbouring factory and there the manager of the factory refuses to take the produce, they must have some remedy against unnecessary harassment. Therefore it is considered that those sugarcane-growers are put to too much harassment. My point is, Sir, what sort of aid can we expect from the Government in a matter like this. There are thousands of cultivators of sugar crops who are bound to be there for the purpose of selling their sugarcanes. Can Government enforce or compel the manager to purchase? That is one difficulty. The refusal of the purchase or offering too low a price is a roundabout way for compelling sellers to yield to the wishes of the buyer. Against this, the sugarcane cultivators being thousands in number should put their heads together to find out a plan which may enable them to withhold their sales for a short time and have control over the market. The result of this will ultimately be that there will be an end of this unfair dealing and a fair and businesslike transaction will continue. Another point of importance is this. I know not an instance in which the Legislature has been pressed in fixing the minimum rate of an agricultural produce. The third point of importance is how can such a legislation be forced. The mover of the resolution has not been able to convince us by stating instances in which Government have been able to overcome these practical difficulties. His point was that they might try to do so and thus avoid the harassment of the sugarcane-growers. I say, Sir, that this cannot be carried out in actual practice. The protection of these cultivators should necessarily be achieved in some other practicable form.

Thakur Rampal Singh: Sir, Government is responsible to a certain extent for popularizing the growing of sugarcane in these Provinces. If one were to look at the figures, he will find that it has gone up leaps and bounds. As far as I notice, it is also the policy of the Government to help the tenants just now, and as a large number of tenants are involved in sugarcane cultivation I am sure Government will try to do their best. Just now the most popular industry is the establishment of sugarcane factories. There is one already in my district and the conditions there are hopeless. Sugarcane has been sold there at the rate of 1 anna 6 pies per maund. Government is showing great interest in sugarcane factories. I would suggest that the Co-operative

Department where they have got societies should help the tenants in securing a good price. It could very well be done by co-operative societies purchasing the produce of the cultivators and selling them to factories at better prices. In one of his speeches when His Excellency the Governor went to open a factory he has said that the growing of sugarcane costs about $4\frac{1}{2}$ annas per maund, but the sugarcane is freely sold just now at anything between 2 to 3 annas all over the Province. Under these circumstances it will not be too much to expect either from the Agriculture Department or from the Co-operative Department to come to the rescue of the tenants. Government have shown great sympathy with the tenants and have also been generous, but against the landlord. I trust they will continue to evince the same sympathy and protect them from capitalists. With these remarks I support the motion before the House.

The Hon'ble the Finance Member: Sir, I am very grateful to the honourable member for moving this resolution. It relates to one of the most important economic problems that we have before us today. Personally, I regard the future prosperity of the Province as largely bound up with sugar. I am, possibly, an optimist. In fact I hope I am. There was once a famous Oxford philosopher, rather a wit, who defined an optimist as a man who regarded this as the best of all possible worlds, though everything in it might be a necessary evil. Well, I prefer that frame of mind to the pessimist's, whom the same philosopher described as a man who in a very bad world thinks it manly to cry "stinking fish". Confessing myself thus an optimist, I look forward to the time when India will not only provide all the sugar she wants herself instead of importing it, as she does at present, but will actually export it. And of that benefit by far the greater share will come to the United Provinces. At the present moment we grow considerably more than half the total cane area in India. Four western districts, as His Excellency said in a recent speech, grow as much cane as the Punjab, three times as much as Madras and four times as much as Bombay. What is more, expansion of area has not stopped, and is not going to stop. There is ample room for more, and I think there is ample water for more,—or there will be before long. But, Sir, if this is to come about then we have got to do the right thing *now*. First, I suggest it is useless to grow cane unless we can turn it into a marketable commodity. Formerly it used to be turned into *gur* and fetched a good price. In 1931 there was actually a danger that the Java brown sugar would be sold at a price in India much below the price of *gur*. Since then the price of *gur* has dropped so low that the bottom is out of the market. This year, in the Ramganga area they grew their first sugarcane crop, some 8,000 acres. The local cultivators are not very good cultivators. They know nothing about cane. They turned the whole of their cane into *gur* and then found they could not sell it. That is dangerous, for probably next year they will grow much less. There may still be a future for *gur*; I was in a large factory the other day, and they were buying *gur* in order to refine it and turn it into sugar later when the sugarcane crushing period was over. But at the present moment *gur* is being sold at a very low price, and to make money the only thing that can be done is to turn the cane into sugar direct. But that means a factory, big or small.

[The Hon'ble the Finance Member.]

I should say that if the cultivator were to express his opinion freely, he would prefer a small factory. It is a matter of taste or fancy. He likes to see his own cane going into his own crusher, he likes to see his own juice going into his own boiler, and he likes to see his own juice turned into his own sugar and sold to his own *bania*. But that is uneconomic; he can possibly get 6 per cent. of sugar whilst a big factory can get 11-12 per cent. or more. The other day I saw a 500 ton factory and it was getting 11 per cent. sugar. A big factory is certainly more profitable than a small one. At the same time there are dangers in it. The big factory must necessarily be owned by big men. A lot of capital has gone into the factories that are springing up everywhere,— eighteen new concerns according to a speech of His Excellency's, but I have myself recently heard of three or more in addition. The money for these factories comes very largely from outside the province. We need not mind who gives the money so long as we get it. At the same time we ought to remember that these capitalists are not taking up this business merely for their own health, still less for that of the cultivator; they are taking it up for their wealth. What is more unfortunate is that they have in the Province an excellent example, from their point of view, of profiteering to imitate. Anybody who comes from Rohilkhand knows the *khandsari*. The *khandsari* is a man who buys the crop in advance, before it is actually sown. He fixes a forward price which is always very low. He then makes heavy advances to the cultivator to help him grow the crop, at a very high rate of interest; and when the time comes for the *khandsari* to pay for the crop, as often as not, the cultivator gets nothing at all and is left in debt into the bargain. Imagine how dangerous it would be were large capitalists to imitate the *khandsari*. And I fear that there are already signs of it. One or two speakers have mentioned cases where the price paid per maund was only $1\frac{1}{2}$ annas. That sounds like exaggeration; yet I have also heard of such cases and only yesterday a member of this Council told me of one which was within his own personal experience. Now this problem, of ensuring to the cultivator a fair return for his cane, is both pressing and important.

Like many other speakers though I am in entire sympathy with the principle underlying the motion, I am opposed to the motion itself. My main objection is that it suggests only one possible remedy out of many, and of those remedies, probably the one which is both the most difficult and the least effective. The idea is to fix a minimum price. If you fix a minimum price, you at once run the danger that that will become the maximum price, and that under no circumstances whatever will a man ever get more than the minimum. If I say to my honourable friend who moved this resolution "you must pay a certain figure for your cane", what will his reply be? He will say "very well, I will pay that, but I am not going to pay more". That is one thing. Then there are great practical difficulties. He talks of fixing a minimum price. There won't be one minimum price; there will be half a dozen minimum prices. He has got to fix a minimum price for delivery at the factory. He has to fix another minimum price for delivery at a railway station; he has to fix a third minimum price for delivery on the field. There will be no end to it, and of course, as other speakers have said, enforcing it will be

almost impossible. The best, and of course the natural, economic remedy is competition. So long as you have only got one factory, there is a danger of a monopoly. But where is competition to be found? Well, Sir, a suggestion was made to me yesterday by a member of the House, "Why should not the Landlords' Associations take a hand in this game?" Why should not, for instance (well, I won't mention names) any one of these Associations start factories of their own? They will make a certain amount of profit, if they care about that. They will also forge another link between themselves and their tenants,—that very strong link of common interest; and by providing competition they will automatically secure a fair price for the cultivator. I offer the suggestion to the consideration of the landlords.

I said that though I did not like this proposal, because it does not go far enough, and so far as it *does* go, it is going in a difficult and dangerous direction, still I am in sympathy with it; and I want to prove my statement. Recently the Hon'ble the Minister for Education and myself went on an extended tour through the sugarcane area in the west. The more we saw of what was going on, the more we were convinced that something had to be done to secure to the cultivator a fair return for his crop. We heard a good deal about unfair prices, of a kind that cannot be tolerated. Finally, we held what I can only call a "pow-wow" one evening sandwiched in between two entertainments at Bulandshahr. We only had an hour for it. There was the Minister and myself, Mr. Stampe and Mr. Hickey, and Mr. Allan of the Agriculture Department. We talked and we talked and we talked, till we had to stop; and we came to absolutely no conclusion. There were endless suggestions of all sorts. I have got a note of all of them. At last I said "We are not going to get further tonight. Let us arrange to meet on a fixed date, by which time everybody should have something definite and concrete written down, so that we can pool our views and see what we can make out of them". That meeting is going to come off. We are not quite sure of the date, but I hope that it will be on the 3rd of April. I have since also invited others who are connected with the Sarda to come. We are going to sit down, and we are not going to separate until we have worked out something. It may or may not involve legislation. We cannot possibly say what will be done, but something will be done. What I want the House to realize is that Government has got this very important question very closely under its attention. After all, as we know, His Excellency as he has shown in the various speeches which he has been delivering which contains most valuable information—information valuable to everybody who is interested in the subject,—His Excellency has given his best attention to the subject, and when he gives his attention to a subject, the result is that something usually happens. And he has got all of us also working on the same subject. I can assure the House that we are not going to spare any endeavour or lose any time over attempts at finding a solution. At the same time I beg the House not to pass this resolution, because we do not want to be committed to one particular remedy when there are so many others possible and we want to examine them all.

The Hon'ble the Minister for Education: Sir after the speech of my colleague, the Hon'ble the Finance Member, I have really very little to say. He has told the House that we are in sympathy with the object of the resolution. We have been working at this matter for some time ourselves, and we have given a good deal of thought to various aspects of it. The mover of the resolution has not, I am sorry to say, shown us a definite way of carrying his wishes into effect. The difficulties of fixing a minimum price are numerous. The Hon'ble the Finance Member has told us one or two of them. I will refer to one or two more here. I do not know whether the mover of the resolution wants merely a price to be fixed or whether he wants legislation to compel the tenant to sell his cane and the factory to buy the cane. If you have only a minimum price fixed, there is no obligation on the part of either the tenant to sell or the factory to buy. As long as the supply exceeds the demand, mere fixation of minimum price will not help the tenant. In fact it might make his position worse. Then there are various ways of getting round the minimum price. As long as there is more cane than the factories can consume, it is not difficult for transactions to take place which are not genuine. I mean *farzi* transactions. A cultivator who has 50 maunds of surplus cane to sell can quite easily give a receipt to the factory showing the right price, although he may have received only 50 per cent. of that price. How you are going to get over that? Then, Sir, the fixation of price is a very difficult matter. On what basis is the price going to be fixed? We know there are variations in the quality of cane. You may have one price for one quality of cane but there will have to be other prices for other qualities. You shall need to fix different rates for different qualities and varieties of cane. Sir, the quality also varies with the season. Cane which is produced in November is not so much rich in sugar as cane which is produced in January. Then, Sir, the value of the cane depends very largely on whether it is delivered to the factory immediately after cutting or not. Cane which has been lying after having been cut for more than twelve hours is not of much use to the factory. Fermentation sets in and that spoils the quality of sugar. That being so, it would be idle to expect a factory to pay the same price for a rotten cane as for fresh cane. Then, Sir, the question of distance has been referred to by the Hon'ble the Finance Member. We have to fix a price for cane delivered at the field and another one for cane delivered at the railway station and a third one for cane delivered at the factory itself. All these various matters make the business extremely complicated. Then, Sir, if you are fixing the price for cane you must also do zoning of factories. Unless you do that the fixation of price alone will not solve the difficulty. You must allot areas exclusively to each factory. That again is a very complicated matter. There is yet another snag. There are factories of varying degrees of efficiency. One factory gets 11 per cent. sugar out of the cane; another gets 10 per cent.; another gets 9½ per cent.; another gets 8 per cent. Will you fix the same rate for all factories? A factory with a low rate of sugar extraction gets on simply because it gets its cane cheaper. It is generally geographically so situated that it gets cane cheaper than its competitor with a 10 per

cent. yield. If you are going to fix the same rate for both these factories, you will surely eliminate the factory with a low extraction. Then the most important thing is this: are we going to prevent the factories from buying their cane from middlemen? Mr. Souter referred to this point. You may perhaps enforce a minimum price as between the factory and the cultivator himself, but you could not possibly enforce a minimum price as between the factory and the middleman. It is open to anyone to undertake to supply cane. You could not prevent a cultivator from selling his cane to a middleman who gives him advance, who gives him various facilities and then you could not prevent this middleman from selling his cane to the factory at whatever rate he liked.

These are some of the difficulties, Sir. We have gone very fully into the matter and we are still looking into it. As the Hon'ble the Finance Member has told the House, we are going to have a meeting of experts about the beginning of April and I wish to assure the House that we attach the greatest importance to the problem and are applying ourselves to its solution. I might also say that the Imperial Council of Agricultural Research has got the matter in hand. They have been studying the cost of production of cane and they have been anxious to find a way whereby the cultivator could be protected. So far no way has been found by anyone and as the Hon'ble the Finance Member has told you, Sir, there may be more than one solution of the problem. So I hope the House will not tie us only to the one suggested in the resolution.

***Rai Bahadur Thakur Hanuman Singh:** Sir, there has been opposition from two honourable members of the House to the resolution which was moved by me. So far as my friend Mr. Jagadeva Roy is concerned, I would simply say that all along he has been a practical lawyer but a theoretical zamindar. Therefore his remarks do not deserve much consideration. Now I come to my friend Shaikh Habib-ullah Sahib. I was surprised when he rose to oppose the resolution, having been for the best part of his life an executive officer, having intimate connexion with landlords and being himself a landlord. In addition to all this he is the manager of one of the biggest estates in Oudh. Opposition from such a quarter was nothing but a surprise to me. Perhaps the interests of cultivators find little or no place in his heart. Sir, the resolution which I have moved is intended to protect the interests of cultivators either by means of legislation or by some other means.

Shaikh Muhammad Habib-ullah: On paper.

***Rai Bahadur Thakur Hanuman Singh:** Mr. Souter, like Mr. Habib-ullah, said that any legislation in this connexion will be against the principle of supply and demand. Well, Sir, where there is need to protect a particular community or a class of people strict observance of abstract principles has to be waived. At present there is dire need for the protection of the tenantry and cultivators should be helped in such a way as would improve their present lot. The House has been informed that Government is considering numerous ways for the protection of cultivators, but it has not yet been able to minimize their difficulties or to relieve them of their poverty. I hope Government would succeed in its endeavour in this direction, but I submit that it is absolutely necessary that Government should move more speedily than it has been doing

* Speech not revised by the honourable member.

Rai Bahadur Thakur Hanuman Singh.]

up till now. I do not wish to say much more after hearing the Hon'ble the Finance Member as well as the Hon'ble the Minister for Industries, and knowing that Government is considering the question with a view to find out some solution for the difficulties with which the tenantry is confronted. I have therefore no desire to press my resolution, but I would request the Government to come to some such conclusions as may be of help to the tenantry and thereby give impetus to the sugar-growing industry in this Province. It has been said that this Province grows sugarcane on a larger scale than any other province in India. It is so. This shows that the soil of this Province is more suited for the sugarcane-growing than the soil of any other province. With the help of the Government and with the protection duty I hope this Province will manufacture sugar on a large scale, and after meeting its own needs it may be able to export sugar to other parts of the country and to foreign countries as well. When such a state will prevail, I am sure the tenants of our Province will be much more prosperous than they are at present. It is the sugarcane which can make them prosperous and not many other crops which they are growing at present. With these remarks, Sir, I withdraw the resolution.

The resolution was, by leave, withdrawn.

RESOLUTION *re* AMNESTY TO POLITICAL PRISONERS.

Mr. Brijnandan Lal: Mr. President, I beg to move—

"That this Council recommends to the Government to communicate its desire to the proper authority that amnesty should be granted to all the political prisoners in order to create a favourable atmosphere for the introduction of the new constitution."

Sir, before I come to the resolution before the House, I must extend a warm welcome to Mr. Blunt and congratulate him on his recovery. We are all glad to see him amidst us hale and hearty as he was before he sailed for England. It was some consolation to us that Mr. Clay was officiating for him and he became as popular as Mr. Blunt.

As regards the question before the House, I moved a somewhat similar resolution on the 25th February, 1932. I asked the Governor General in Council to convene a meeting of the leaders of the various parties in the country in order to find means for settlement and to secure the co-operation of all the parties in the inauguration of the new constitution in India. More than a year has elapsed and there are no signs of harmony and peace in the land. Bitterness is increasing day by day. Some are dreaming of the dawn of a new era with the inauguration of the new constitution, but there is no prospect or happiness for the people in the jails in this country. Most of them regard us as traitors, who are living comfortably while they have sacrificed their liberty for the sake of their country. They regard the Government as tyrannical, which they think is backed by the moderate section in the country. But I am not here today to apportion blame. I shall neither blame the Congress nor the Government, nor that section of the people in the country which supports the Government whether it is right or

wrong, I regard this section as most disloyal to Government, because it misleads the Government although it is called loyal,—nor shall I praise the Liberals, to whom I happen to belong, for their responsive co-operation. I will ask the Government and the House how long is this state of affairs going to last. Hundreds of men were arrested and sentenced in January last on the Independence Day. If the Government thinks that on one side the process of election will go on and will be followed by a stable Government while on the other the march to jails will continue, I must say in all humility that the Government is mistaken. No Government can be carried on unless it is manned by the best brains of the country; second rate and third rate men will do no good to the country or Government and will bring a bad name. It is said that the political prisoners will not be released unless they give an undertaking that they will not resume civil disobedience. It is said that this undertaking is demanded in the interests of the peace of the country. I take it for granted for a moment that all of them give such an undertaking and come out of the jails and after two months the movement is started again or suppose, for instance, those who come out of the jail don't resume the civil disobedience but those who are outside remain pledged to the movement and re-start that. What difference will there be between the situation that will then arise and the situation that exists at present? Cannot the mighty Government have recourse to the same measures as it is doing now? Does the Government think that it has adopted stringent measures once for all and that it will never be able to do it again? It may be said that the Congress people are so bad that nobody need have anything to do with them. Howsoever we may disagree with their methods—I myself do not agree with their methods—one cannot but respect their motives. My friends on the opposite benches will also respect their motives as every true Britisher does. People who lived in luxury all their lives have preferred incarceration to freedom for the sake of self-government which is the goal of every Indian. This is what one of the members of the India League delegation says: "The first general conclusion to which we were forced in India is that national feeling is a deep and genuine thing—widespread and ineradicable. That conclusion has been reached by every official body of investigators and is emphasized in all reports including that of the Simon Commission. Probably less than 1 per cent. of the politically intelligent Indians of all communities and shades of opinion stand for the continued maintenance of British rule as now constitutionally established. The people do want *Swaraj*—in one form or the other. Some interpret it as Dominion Status. Others want less than that, and very large sections want considerably more. Whatever may be their conception of self-government, the people want it, and they do not want a continuance of British Raj or the unsatisfactory thing called 'Dyarchy'. Probably most of the officials will differ from me. Their contacts are mainly with those whom they describe as 'loyal to the British Government'—those who say they want things to continue as they are. Nationalists and other Indians describe these people in another way—several ways, perhaps—but I shall not annoy anybody by repeating the different terms applied to them. The fact is clear that India wants the big change. That it may be ungrateful in so wanting is beside the point and would take too

Mr. Brijnandan Lal.]

long to argue." This is also the goal of the British Government. In that case, are the Congressmen untouchables with whom Government should have nothing to do? It might be said that the Government will not release the prisoners on account of prestige. Will the powerful Government lose its prestige if it shows a gesture? If the Government does so, there is bound to be a reaction in the country. Probably Mahatma Gandhi himself would not have resorted to civil disobedience if he had been left to himself. I appeal to Congressmen to devote their energies to constructive work and end this endless suffering. As a believer in British connexion I appeal to the British Government not to weaken the link between the two countries—England and India. The relation between the two will be more lasting if it is based more on affection and goodwill than on force. This is what a reasonable section of Englishmen think on the question of amnesty: "In a few weeks His Majesty's Government will be announcing their proposals about the future Government of India for submission to the Joint Committee of both Houses of Parliament. It is common ground between all parties that they need to be discussed, both here and in India itself, in an atmosphere of calm and goodwill, we do not believe such an atmosphere can be obtained so long as Mr. Gandhi and thousands of his supporters remain in prison. Their detention compels a large part of Indian public opinion to look unfavourably upon any proposals made by the Government of this country. It minimizes the possibility of co-operation both immediately and in the future. It maximizes the difficulty of implementing in practice any proposals embodied in an Act of Parliament. It persuades great masses of people to concentrate upon grievances attention which needs, in a mood of high seriousness, to be given to proceedings of the highest importance.

"The recent session of the Round Table Conference concluded with a strong appeal from Sir Tej Bahadur Sapru, the moderation of whose opinions is well known, for the release of Mr. Gandhi and his associates. We desire to support that appeal with all the emphasis at our command. We believe that no other way is available by which Indian opinion can be persuaded to approach the Government's proposals in a spirit of reasoned criticism. We are convinced that a gesture of goodwill such as this may be vital to the future of our relationship with the Indian people.

"We recognize the many difficulties which stand in the way. But we are certain that a policy of creative generosity is at this time the one method of securing the triumph of a reasonable spirit in Anglo-Indian affairs. A failure to show now a temper of magnanimity will only increase in every direction the difficulties before those who will be responsible in the future for the conduct of Indian government. A refusal to be magnanimous in the face of impending events would be the revelation of blindness to their significance pregnant, we think, with tragic results."

With these words I commend the resolution to the acceptance of the House.

The Hon'ble the Finance Member: In the first place I should like to thank the honourable member for his friendly references to myself. I used to be described as a man of weight and substance. Well, Sir, there is now less of me than there used to be, but what there *is* of me still is entirely at the disposal of the House in every way in which I can help them.

As regards the resolution itself, the honourable member reminded us that he moved a resolution in similar terms on 25th February last year, almost exactly a year ago. If I had the reply which I then made to him before me, I should be tempted merely to read it out,—of course if you, Sir, allowed me to do so,—because I do not think that I have anything really fresh that could now be said. The position is quite simple. These political prisoners have the key of the doors of their cells in their own hands. They have merely to turn the key to come out. They have merely to give an undertaking that the civil disobedience movement will stop. We have all seen and a few of us have had an opportunity to study what was recently said in the House of Commons; it was in this morning's papers. And if that is not the meaning of what the Secretary of State then said, then I do not know what is. We have a big constitutional change before us, and we must have peace in which to carry it out. If they will give us peace, then all is well. We do not want to have some of the best brains in the country debarred from taking part in the thought that must be given to this change. We want their assistance, but it is not for us to beg for it; it is for them to offer it. Moreover, these amnesties have a somewhat unfortunate history. There was one in 1919; there was another in 1931. What was the result? Recrudescence of trouble immediately. Besides, do we know yet what their attitude is likely to be towards the new constitution, except that they are opposing us whilst we are trying to bring it about? We should like to know what attitude they are going to take when the new constitution comes into force. But there is really very little for me to say on this resolution. Everybody knows the position. I made it perfectly clear last year. There has been practically no variation in it since. It has been stated again and again. We want peace. But it is for them to offer it to us, and not for us to offer it to them; it is they who attacked and not we.

Rao Narsingh Rao: Sir, I have again the misfortune of supporting a resolution like this and sounding a note of warning to the Government here at this stage. When the honourable mover moved this resolution, I in fact had no intention of speaking, but the reply of the Hon'ble the Finance Member has tempted me to speak and say something which, I think, he requires to understand before coming to a decision. It is absolutely certain that it is in the mind of everybody here and outside that we do require a peaceful time for the new reforms to be introduced in this country. The Hon'ble the Finance Member himself agrees with it and says in so many words "We do want peace". If he wants peace, it is for him to look for it, to arrange for it, and in fact to try to get that peace. It is said that it is really essential in the interests of everybody—the Government and the country—that the best brains of the country should consider the reforms that are before us.

Rao Narsingh Rao.]

It is very easy to say that it is for them to consider and on the other hand lock them up in jails and say "We do want you to do it, but unfortunately you are there". The Hon'ble the Finance Member states that the key of the doors of their cells is in their hands. I daresay that if this were the position of the country to which the Hon'ble the Finance Member belongs he would not have tolerated this reply if it was given to him by others. As the honourable member has said, we do not agree with what they do, but we do agree with and respect their sincerity of purpose. I want to say very clearly and to make it known to the Government that it is no secret now, I am sure, even in the Government circles. They know what the country thinks. They know what the country demands. They know what the country is going to do. It is useless now to play upon words and say that they do not actually know what people think. We only know what we are told by this House. The Government knows more than what is spoken in this House. The Government knows really what the feeling of the country is at present and what it is going to be like. But certainly they are in a way gaining experience. But I think the time is gone too far for them and the Government must realize that they are not to have more experience; that they must be in a position to say something definite now. If I am not very wrong, the late Viceroy of India, Lord Irwin, very clearly after the Simon Commission's visit, said in a Government of India draft what he thought of the country, and he was not wrong. He was the only Viceroy so far who could clearly understand the situation in such a short time and who could read out and rightly represent the feelings of the country to the Secretary of State for India. Now it is being said, does not the Congress say this or that thing. It is immaterial. All this is being said because of a number of citizens who are still found sitting here. I do not think the Government does not like this. I do not think the Government wants to discourage them. If you say that we do want to discourage them, we do not want anybody here, by all means say so and you will have that too. But why are you inviting a thing like this. Why should you not stop any such reaction as becomes the result of your turning a deaf year . . .

The Hon'ble the President : The honourable member must remember that I am not turning a deaf year. He is supposed to address the Chair.

Rao Narsingh Rao : You say that the key of the doors of the cells is in their hands, that is not a fact. It is expected that these Congressmen should say that they are not going to do a particular thing after they are released and after they are out of jail. But it is not a fact that they need say things like that, or it is in their hands, or it is because of this step that they are in the jails. It is because of the feeling that they must have responsible government in the country, and it is for that reason that they are in the jails. Now to say that we do want you to come out and discuss things, but we won't have you out unless you give an undertaking, is no argument. Then the other thing that the Hon'ble the Finance Member remarked was that we are not to beg for them to co-operate, they are to offer it. I cannot understand this at all, Sir, that who is to offer and who is to beg for it? If it is not

the Government to beg for it, who else can there be to beg for a thing like that? It is therefore useless to say that it is for them to suggest and not for you to beg them to. *

The Hon'ble the President : May I tell the honourable member that "you" refers to the Chair?

Rao Narsingh Rao : I am very sorry, Sir. The result is very simple. It does not require all the arguments for a representation to be made to the authorities concerned that political amnesty is required. It does not really mean that we are required to offer any argument whatever on that point. Our request is simple, that it is a common ground, it is a well known fact, that every man in this country requires now a peaceful atmosphere for the consideration of the new Reforms, and when every one requires a peaceful time you should set every prisoner at liberty so that he may be able to discuss them himself. I therefore, Sir, wholeheartedly support this resolution. I hope that the request of this House will be conveyed to the authorities concerned that this House recommends the taking out of every political prisoner from jail at a very early date. With these words, Sir, I support the resolution.

Munshi Gajadhar Prasad : I am in entire accord with the noble object of this resolution just moved by Mr. Brijnandan Lal. It has been said by him as also by the honourable member who has just proceeded that everyone is anxious, whether in jail or outside it, for a more liberal share in the administration of his country—whether call it by the name of Dominion Status, the name of Independence, or by whatever name you like. Now, Sir, it is evident that there is anxiety on both sides. I may refer to the assurances which have been given from time to time both in England and in our own country, that they are anxious to hand over the future administration into the hands of the men of our own country; and we on our part are willing to take up the responsibility. That being the state of affairs, I really fail to appreciate where the difficulty lies. It is absolutely essential that prior to coming into force of the new constitution a favourable atmosphere should be created in this country. This is really the desire and anxiety of everyone in the country who is anxious for the peace and tranquility of the land. But along with that we must secure the goodwill of as many persons as have a right to claim independence. Now, Sir, the term "civil disobedience movement" is really very difficult to define. Many things which would not have been considered an offence have been termed offence in view of certain pieces of legislation that have been brought into force from time to time, and we also find that the arms of the executive have been strengthened much more than they should have been. It will be idle to narrate before the House the many instances which we have seen in the papers, and I only submit for the consideration of the honourable members of this House that formerly where punishment used to be given in days, now it is given in months, and where months used to be awarded, now we have years. That is the unfortunate aspect of the present situation. In this connexion it would not, I trust, be impertinence to say that many things which are innocent and which should have been considered as innocent and which should have been better left alone have been treated as offences. In this connexion I

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may invite the attention of the House to the recent happenings at Allahabad. I mean the sudden imposition of section 144 in connexion with a meeting that was to be held in commemoration of the memory of the late Pandit Moti Lal Nehru at Allahabad. Not only the Hindus but every other section of the community—Hindus and Muhammadians alike—were anxious to do their little bit to commemorate the memory of a great citizen of the town. But on such materials as were available—or could easily have been available—it would have been possible for the District Magistrate to issue the order which he actually issued. Now, Sir, the conveners of that meeting were some members of this House. The Leader of the Opposition was one of them—I mean Mr. Chintamani. And I may add that the person who was to preside over the meeting was a person against whom no fear should have been or could have possibly been entertained. I refer to Sir Tej Bahadur Sapru. He has always been loyal to Government and he has always tried to smooth the differences as far as possible between the Government and the other section of the community in India. Now, Sir, it would have been very easy in that connexion to have sent a letter to Sir Tej Bahadur Sapru or to Mr. Chintamani and ascertained the real facts before the District Magistrate actually sent round a notice under section 144. This is, Sir, a recent instance, and I would only submit with great respect that instances like this could easily have been prevented by suitable instructions which the Government ought in all fairness to issue for the guidance of District Magistrates. Now, Sir I have already submitted at the outset that the first essential for the proper working of the future constitution is that a favourable atmosphere should be secured and with the best of the friends of the country rotting behind the prison bars, I think it would not be easy to work up the new constitution satisfactorily, nor would it be possible to work it at all. The real satisfactory solution of our difficulties is that those persons who are inside the jails should be taken out. It is not too late yet, and with such a august person like our present Home Member, who is always anxious to sympathise with us, I think it is very likely that some kind of solution in this respect would be arrived at and that we shall find persons who are now rotting in jails co-operating with us and sharing our responsibilities very soon.

Mr. Brijnandan Lal: Sir, it has been said that there is no information what would be the attitude of the Congressmen towards the new constitution. The new constitution is not yet known, and what does the Government expect their attitude to be while the Leaders are in jails. It is just like shutting up a man and then offering him something and asking him to accept it. The attitude of the Congress is bound to be unsympathetic in these circumstances. If the desire is that the constitution should be considered dispassionately, then it is necessary that the prisoners should be released. It is said that the key of their cells is in their hands. What is expected of them? Should they say "We have made a mistake, we are prepared to give up civil disobedience and come out" Or should the Government say "We have crushed you and the movement is finished, now we give you liberty"? As they already say that the

movement has been suppressed? Which of the two can do it with a better grace, the Government or the Congress people? After all what have they done? They wanted the same thing which the Government wants to give. They want the same thing which the people want, but their methods are different. I do not agree with those methods. But what were their methods? Did they want bloodshed? Did they want to hurt anybody. Their method was simply to go to jail and to suffer. After all they are not such sinners that they do not deserve sympathy on the part of the Government. The present Government will be going, and a more representative Government will be coming, what will be the attitude of the Congress people towards the Government which is going? The present attitude of the Government will be simply creating bad blood and ill-will. If you have crushed the movement, then show a better grace and release these people. As regards the constitution, if it is going to be satisfactory everybody will accept it and they will be too glad to accept a responsible Government which comes even to a certain extent up to their demands. But if it is unsatisfactory, who will accept it? If the demands of the people are met, the Indians will be the last people to be ungrateful. A very large number of them have got soft corners in their hearts for the British. They will accept any constitution if it is something substantial. But if it is something only in name, then it is bound to be rejected, especially in the present circumstances when all the big Congress leaders are inside the jails, and these are the people who really count. Supposing the Liberals or the Zamindars undertook to run the constitution. How long can they do it? It may be said that the Assembly has sanctioned the Ordinances and, therefore, public opinion is for the detention of the Congressmen. Personally, I feel if a plebescite is taken in this country, the majority will be for the release of the Congress people. A powerful Government should not expect an abject surrender from them. In the interests of the Government as well as of the people I request the Government to release them and to create goodwill in the country.

The Hon'ble the Finance Member: Sir, I should like, in the first place, to correct what appears to be a misapprehension in some minds as to the true position. From some of the speeches that have been delivered one would suppose that Government wish the Congress to change their political views. That, of course, to my mind, is wholly ridiculous. We do not want them to change their political views. Of course, we would be glad if they did. But that is not the question. What we want them to do is to change their methods of expressing their political views. It is not what they want, call it what you like, Dominion Status or Independence, or anything you please, that matters to us. What matters to us is the civil disobedience movement. This is all we want stopped. The honourable mover has just said that it would be dignified of us to say "we have crushed you, we will give you liberty." *Have* we crushed them? Have we even *said* that we have crushed them? Would it not be a false statement? Another honourable member referred to the benefits of a half-way house. My experience of half-way houses is that both sides meet at the door, and fight there. Let me take the words of the resolution itself, "in order

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to create a favourable atmosphere for the introduction of the new constitution. Favourable atmosphere. Will the honourable members tell me that he believes that should the civil disobedience movement start afresh, that would be a favourable atmosphere for the introduction of the new constitution? A no-rent campaign. Imagine that at the commencement of a new constitution. Picketing, boycott and all the rest of it—at the commencement of a new constitution. All that we want,—I use here the actual words of the Secretary of State, is a convincing reason to believe that release will not be followed by a revival of civil disobedience. All we care for is that there should be no civil disobedience when they come out. Are they prepared to give us that assurance? If so, the result will doubtless follow which the honourable member desires, provided that assurance is an assurance.

The Hon'ble the President: The question is that the Council recommends to the Government to communicate its desire to the proper authority that amnesty should be granted to all the political prisoners in order to create a favourable atmosphere for the introduction of the new constitution.

The resolution was put and negatived, the House having divided as follows: Ayes 20; Noes, 26.

Ayes (20) :

Ali Zaheer, Syed.
Awadh Bihari Lal, Rai Bahadur, Babu.
Baldeva, Chaudhri.
Bhundu Ram, Mr.
Brahma Dutt, Pandit *alias* Bhaiya Sahib.
Briinandan Lal, Mr.
Dahari, Mr.
Gaiadhar Prasad, Babu.
Ghasita, Chaudhri.
Hanuman Singh, Rai Bahadur, Thakur.

Joti Prasad Upadhyaya, Pandit.
Liaquat Ali Khan, Nawabzada, Muhammad.
Muhammed Ali, Chaudhri.
Muneshwar Baklesh Singh, Thakur.
Narsingh Rao, Rao.
Perma, Mr.
Ram Chandra, Chaudhri.
Rani Dayal, Chaudhri.
Tappu, Mr.
Yusuf Ali, Syed.

Noes (26) :

Abdul Hasan, Saiyid.
Ahmed Sa'ad Khan, The Hon'ble Captain Nawab Sir Muhammad.
Ain-ud-din Khan Bahadur, Saiyid.
Bennett, Mr. J. R. W.
Birendra Bikram Singh, Raja.
Bisheshwar Dayal Seth, Rai Bahadur, Kunwar.
Blunt, The Hon'ble Mr. E. A. H.
Clay, Mr. J. M.
Dar, Mr. S. S. L.
Dhirva Singh, Chaudhri.
Frampton, Mr. H. J.
Ghulam Husain, Khan Bahadur, Shaikh.
Hollins, Mr. S. T.

Jagadeva Roy, Rai Bahadur, Babu.
Kharegat, Mr. P. M.
Lane, Mr. H. A.
Maqsood Ali Khan, Khan Sahib, Muhammad.
Mason, Mr. P.
Muhammad Yusuf, The Hon'ble Nawab Sir.
Nutt, Colonel H. R.
Phul Chand Mogha, Rai Bahadur, Babu.
Rahmat Khan, Mr. Muhammad.
Sathe, Mr. J. N. L.
Srivastava, The Hon'ble Mr. J. P.
Teyen, Mr. C. St. L.
Whitehead, Mr. J.

RESOLUTION *re* TREATMENT OF POLITICAL PRISONERS.

Pandit Joti Prasad Upadhyaya: I beg to move—

That this Council recommends to the Government that immediate steps be taken to accord a treatment to prisoners convicted of political offences different from that meted out to ordinary "C" class prisoners.

This resolution does not require any lengthy speech to commend it to the House for its acceptance. It embodies a question of principle. It has been our actual experience regarding the jails of these provinces, that the treatment meted out to the political prisoners in the jails is not at all satisfactory. We find that political prisoners of the "C" class are put on the same basis as the ordinary prisoners of the criminal classes, prisoners who have committed serious and heinous offences against property and against human life. Such prisoners should not be placed on the same basis in regard to their treatment as prisoners who are convicted of very innocent political offences against the State. If we consider the details of this question, we find that both in clothing as well as in boarding political prisoners are treated in a most unsatisfactory manner in the jails. If one has any experience of the jail life and of the clothes that are supplied ordinarily to the political prisoners of the Congress, one feels sorry for the whole spectacle. It has, for instance, been seen that political prisoners who are generally of respectable classes and of all castes and status are given worn out clothes used for years by criminals in the jails. I saw in the Agra Jail some of the prisoners of the Congress wearing o'd and worn out coats of blanket—full probably of lice—which had been used for several years by the prisoners of the ordinary class. Now this was very seriously objectionable. Similar is the case with regard to the food supplied to these prisoners convicted of political offences in courts. The food supplied to them is practically of the same kind as is given to the ordinary criminals who are convicted of more serious offences as I have said above. I think a distinction is wholly called for. There is a great necessity and I think the representatives of the people sitting on the floor of this House will recognize this necessity that there must be made a difference in the treatment meted out to the political prisoners and to the prisoners convicted of ordinary offences against the Indian Penal Code. There is a very strong public opinion also, Sir, in favour of the principle of this resolution. I think this House is more or less bound to follow the pressure of public opinion in a matter like this. These political prisoners, who occupy a fairly good status in life, are not given treatment even half as good as should be meted out to them in the jails. The main complaint, as I have said above, is with regard to their clothes and food. Another complaint, which the political prisoners have in jails and which may more appropriately be discussed at the time of budget discussions, is with regard to their bedding. Political prisoners of "C" class are given a *mooli chatai* on which they have to sleep during the night and they are given only one blanket which is not enough during the extreme weather in some of the western districts of this province to protect them from the inclemency of the weather. These are the reasons, Sir, which call for a change in the policy of the Government in regard to the treatment which is meted

Pandit Joti Prasad Upadhyaya.]
 out to these political prisoners. Promises have been made from time to time on the floor of this House through the generosity and magnanimity of the Government, and specially of the Home Member, that better treatment would be accorded to the political prisoners, but it is regrettable that nothing has been done so far in this direction. We hope that the Hon'ble the Home Member would be more generous in this respect now and accept the principle of this resolution which is nothing but very innocent.

The Hon'ble the Home Member: Sir, I would beg to remind the honourable member that on the 14th July, 1930, a similar resolution was discussed on the floor of this House. Then again on the 16th March, 1932, in connexion with a cut in the budget this very point was discussed threadbare. There are two definite points, and I would beg honourable members kindly to differentiate between those two points. One is that treatment given to the prisoners is not such as is allowed under the rules, and the other point is that the rules are not based on sound principles and that they should be changed. My honourable friend the mover in his speech made complaints about old blankets full of lice. This has got nothing to do with the principle of the rules; it is the administrative side which should be looked into in this connexion and I will be perfectly willing if my honourable friend will give me some more details privately to find out why such bad old blankets were given to those prisoners. My honourable friend the mover as well as many other members here are aware that whenever any question about the classification or treatment of any political or non-political prisoner was brought to my notice, prompt action was taken and I always tried to meet the wishes of the honourable members as far as possible. In reply to a Council question in the last session it was said that over 100 prisoners were classified and placed in higher classes by Government on the recommendations made by various honourable members or on information received from other sources. So, as far as the administrative side of the jail is concerned, I am perfectly willing to accommodate the honourable members here. Now comes the question that the rules are not based on sound principle and that they should be changed. Very well, Sir. The rules are based on the recommendation of a committee which had a majority of non-officials. Pandit Jagat Narayan and Hafiz Hidayat Husain were the two non-official members, while the only official member was Sir Louis Stuart. The report of that committee was laid on the table and full discussion took place in this House. These rules were made after that discussion and the House in a way accented the recommendation of that committee. The present rules are based on those very recommendations. Here I may be allowed to quote a few words from the report of the committee. At present the treatment is in accordance with the social position of the prisoner while the resolution recommends that it should be according to the motive of the convict in committing the offence. This is what the committee said on this point: "In the first place we think that the suggestion that the law should expressly recognize motive, whether political or otherwise as an ingredient in crime is a step very much to be deprecated. It is no doubt true that every court, in estimating

the degree of guilt and the need for punishment, does take motive into account; but that is done with reference to the special circumstances of each individual case. It would be a very different thing to lay down by legislative or executive enactment that a particular motive for example a political motive, should always differentiate a crime and mark it out for more lenient treatment. Such a declaration would, it seems to us, be tantamount to an encouragement to crime of that description." That is what the members of that committee said about this policy. In another place they said: "In our opinion no Government, whether autocratic or democratic whether foreign or national, can afford to encourage political crime." So that is the present position. As a principle it is, very difficult, and I ask the honourable members again to rote what I have said before, and I wish that they will forgive me if my speech today is nothing more than the repetition of what I have said, that the moment they try to enter into the motive of the crime they will find themselves in a great difficulty. The result will be that you will be putting a premium on those who wilfully wish to break the law. It will really be an encouragement, as was said by the members of the committee, to say that if you commit a crime with a political motive then you should be given a lighter punishment or better treatment in jail, not because you are accustomed to a higher mode of living but because your motive is political. Imagine the position of those who will find that it pays them to commit a crime or offence but to call it a political offence. Will it not then be possible that real, habitual, professional criminals may join the workers of the political agitation, or to be more correct, without joining them may commit offence and say they did it with political motives? What is there to differentiate whether the motive was really political or otherwise? After all, motive or intention is a thing which remains within the heart of a man, and there is no perceptible and outward manifestation of it. For these reasons I beg the honourable members not to support this motion. They will find themselves in great difficulty if they do so. Suppose if there is a man who commits dacoity for political purposes, are you going to treat him differently from a man who commits dacoity from motives of individual gain? Suppose he commits murder. Are you going to say because the murder was committed for political reasons, therefore that man should not be hanged; while another man who committed it for personal animosity should be hanged? The honourable mover, I know, will say that he does not include all those who commit violence. Very well, Sir, if there is somebody found with a revolver, who has committed no violence but is simply found with a revolver, he says "I am a political worker," what are you going to do? There is no moral turpitude in having a revolver. After all, a revolver is not one of those things the possession of which may be regarded as immoral. You cannot say he has committed violence by keeping a revolver. Or suppose somebody goes to a village and preaches non-payment of rent. There is no moral turpitude in that. There is no violence committed, and still we all know that it may lead not only to violence but to bloodshed. So these are the real difficulties—they are practical difficulties. I very much sympathize with the sentiments of the honourable mover and such members as may be of his school of thought. I know that some of our very best men,

The Hon'ble the Home Member.] talented men, educated men, are in jail. Still they hold certain opinions and they are in jail, and I perfectly sympathize with the sentiments of the honourable mover, but I should like them to put themselves in my shoes, to look at it from the administrative point of view, to weigh the administrative difficulties. The moment we differentiate on motives what tremendous difficulties there will be at every step. For these reasons I am unable to accept the resolution. I hope the House is going to oppose the resolution, and I know that administratively it is very unsound to support such a resolution.

Pandit Joti Prasad Upadhyaya: We are all very much obliged to the Hon'ble the Home Member for certain things he did in connexion with the change of classes of prisoners who were convicted of political offences during the last 12 months. It is true—and I am personally indebted to the Hon'ble the Home Member for it that the classes of certain prisoners were changed by him at the request of the members of this House and also at the request of other people whenever such cases were brought to his notice, and we are very grateful to him for that. But here, Sir, the Hon'ble the Home Member has not been very generous as I expected him to be in connexion with this resolution. He has cited difficulties and practical difficulties as he described them which I suppose are more a matter of argument than of any practical value. He could have at any rate given an undertaking to this House that he will issue instructions through the proper head of department enjoining upon jail officials to give better treatment at least in the matter of clothes to such prisoners and will entertain any reasonable and legitimate complaint made by those prisoners or by any member of the public on their behalf and will try to redress them. That should at least have been said by him. The rules may not be changed. There may not be any elaborate change in the rules, matters may remain as they are, but still instructions can be issued to Superintendents of Jails who are sometimes very unwilling to supply suitable clothing to these political prisoners. I have seen that with my own eyes and I can convince the Hon'ble the Home Member that the clothes that are supplied to the political prisoners are of the worst possible quality. Of course, there are all sorts of men convicted of political offences. There are poor class people, there are middle class people and at times through the Magistrates' discourtesy better class of people are placed in C class who have been subsequently changed by the local Government into a better class. Now, Sir, the Superintendents should be instructed to see that if they find any special case, they may of their own accord give better treatment with regard to the supply of better clothes to these political prisoners. I hope, Sir, these suggestions will be accepted by the Hon'ble the Home Member and he will issue instructions to the jail officials to this effect.

The Hon'ble the Home Member: Sir, I am sorry I was not perhaps very clear, but in my first speech I said that as far as the administration of the jails is concerned I am perfectly willing to accommodate honourable members if they want to make suggestions. In my first speech I also mentioned that if he told me where he saw those bad

blankets with lice in them I would look into the matter. Similarly I gave him my assurance that we have got certain rules, and it is not the intention or the purpose of the Government that political prisoners should be treated worse than other prisoners. The rules apply to them all exactly equally. If the honourable mover has got some such case in his mind I would be obliged if he would tell me because it would help me in the administration of my department, and give me an opportunity of asking why it happens. I hope the last speech of the honourable mover was more or less on this point. I hope I have satisfied him.

The resolution was put and negatived.

PERMISSION TO MOVE RESOLUTIONS LAPSED OWING TO THE ABSENCE OF MOVERS.

Khan Bahadur Hafiz Hidayat Husain: Mr. President I extremely regret that on account of a motor accident on my way from Fatehpur to Lucknow I was delayed in reaching the Council House for about 5 minutes. In my absence the very first resolution which stood in my name was passed over. As my community is anxious to secure better administration of Muslim *waqfs* and a resolution similar to the one tabled now was passed some time back by the Council I crave the permission of the House and your good self to move the resolution after the last resolution No. 6 in today's agenda.

The Hon'ble the President: Syed Yusuf Ali also came with a similar request as the mover of resolution No. 3. Will he explain why he was late?

Saiyid Yusuf Ali: Unfortunately the mail train that arrives at Lucknow at 11.20 got late by more than half an hour today, and it reached Lucknow at about 11.50, and this was the reason why I got late in coming to this House, and the resolution that stood in my name was passed over. I wanted to move it, and I am keen on moving it for several reasons. Therefore I request that permission be given to me to move this resolution that stands in my name.

The Hon'ble the President: I should like to read out the relevant Standing Order to the House in this connexion; it is incorporated in paragraph 111 of the Manual:

"If the member, when called on, is absent and no other member, has been duly authorized to act in his behalf as required under clause (1), the resolution standing in his name shall be considered to have been withdrawn."

The language of this Standing Order is rather of a peremptory character and leaves no discretion to the Chair in giving the requisite permission. I recognize the special circumstances of the case; the Standing Order unfortunately does not seem to condone even accidental or unintentional absence of this kind; it requires honourable members to be prompt and to anticipate accidents to motors or trains and to be prompt in their seats. In view, however, of the special circumstances of the case that have been mentioned by the two honourable members, if the House is disposed to grant them permission, I have no objection personally. But while recommending this to the House I should like

The Hon'ble the President.]
to say that things of that kind should merely be accidents also; permission of this nature, if the House is disposed to grant it, should not be treated as a precedent. I remember a precedent of this kind which occurred unfortunately again in the case of the honourable member from Cawnpore in which the House gave him permission to make a motion although he appeared late on the scene. But in view of the special circumstances of the case I put it to the House if the House will grant permission to the two honourable members to move their resolutions after the day's agenda has been disposed of.

(No objection was raised.)

The Hon'ble the President: I take it there is no objection; in that case, Khan Bahadur Hafiz Hidayat Husain and Syed Yusuf Ali will be permitted to move their resolutions after the disposal of resolution No. 6 on the agenda.

RESOLUTION *re* LEGISLATION ON THE LINES RECOMMENDED BY THE AGRICULTURAL DEBT INQUIRY COMMITTEE.

***Rai Bahadur Thakur Hanuman Singh:** Sir, I be to move

That this Council recommends to the Government to bring up before this Council the draft Bill's of the measures recommended by the Agricultural Committee of Indebtedness before the commencement of the next financial year and pass orders to all Collectors not to sell any landed property in the execution of decrees excepting those pending for over five years before the said legislation comes into force.

The Hon'ble the President: I think the best thing for the honourable member would be to make his speech after the lunch interval.

The Council was then adjourned for lunch at 1.30 p.m.

After recess the House reassembled at 2.15 p.m. with the Deputy President in the Chair.

***Rai Bahadur Thakur Hanuman Singh:** Sir, the resolution which was moved by me before the Council adjourned for lunch asks for two things; the first is speedy legislation to relieve agriculturists of indebtedness, and the second thing is the stoppage of the sale of property in execution of decrees which have not been under execution for more than five years. Sir, every one in this House as well as the Government knows in what plight the people of these provinces are owing to agricultural depression. They do not know how to save themselves from the situation in which they have been placed owing to the smallness of the produce of their land and to other economic circumstances which have created an insurmountably difficult situation for them. The demand of the landlords for rent, the demand of the creditors for their debt and domestic demands combined are so heavy for the ordinary cultivators that they cannot meet them with the proceeds of their land. It is a fact, Sir, and I say it, that a sufficiently large number of families have to starve for want of means to purchase their food. During the last twenty years there has been power in them to resist, but that power of resistance has gone and they cannot resist

* Speech not revised by the honourable member.

any more. It is for the Government to come to their help, and I am glad that Government is considering the question of introducing legislation in this House for their relief; but the delay is causing impatience among them. If certain measures are introduced to be passed by this House the news will spread throughout the province and the people will take heart. It is for this reason that this resolution has been tabled to invite the attention of the Government to the very very difficult situation in which the agriculturists have been placed at the present day. There are numerous decrees pending execution in the courts of the collectors of the province. If in execution of those decrees the property of the landlords is sold, it will not be within their power to get back that property. If the Government is intending to save the ancestral property of the landlords from sale, it will be quite proper for it to take steps to see that no further sales take place. After the law which the Government may propose and which may hereafter be passed those properties, which are to be sold in the very near future—say within a month or even a year or so—will be saved and they will remain with the landlords to whom they have descended from their ancestors. I hope the Government will assure the Council that it will do what lies in its power to introduce the Bill. Only a few days ago I had to speak on this very question and the Government then gave assurances that it will take speedy steps to bring Bills into the Council, but we do not know to what stage the Government has reached up till now. It is the impatience of the landlords that has brought this resolution before the Council. I hope the Government will assure the Council that it will do what it can to give relief to the landlords and the tenants.

The Hon'ble the Finance Member: Sir, I rise at once because what I have got to say will, I hope, prove satisfactory and may as well short-circuit the discussion. First of all, as regards the introduction of the draft proposals passed on the recommendations of the Debt Committee. The position at the present moment is that of the four Bills which we anticipate having to put in, three are already drafted, though so far they have not passed from the department concerned to the Legal Department. They are going to it at once. The fourth is a three or four section measure, which will not take any time and which will be prepared immediately. After that, unfortunately, all these measures will have to be submitted to the Government of India because I think all of them require the sanction of the Governor General. However in doing so we shall take occasion to urge them to accord their sanction as rapidly as possible, and I have every hope that they will do so. I hope, if we can get the Bills duly sanctioned in time, to introduce them before the end of the present session. It will be understood, I hope, that I could probably introduce them earlier still if it were not for that sanction. That is the only thing which is stopping us. As regards the question of the passing of the order not to sell landed property, the honourable member has not seen the Gazette, the Gazette of last Saturday, because if he had, he would have found that the orders which he desires have already been published. I do not know how far they suit him. There

The Hon'ble the Finance Member.]
 is a postponement of sale for a period of two years,—of course referring to all decrees that have been pending,—and also it is laid down that the price will be deemed to be fair which is less than twenty times the net profit. These are the two main provisions and I think, the honourable member will agree, that they are sufficient. I may add that we are going to put it for two years at the present moment. It does not follow that when the two years are up it won't be extended, if that should still be necessary.

Shaikh Muhammad Habibullah: With your permission, Sir, I will ask a question. Is twenty years' price based on the reduced rental or the old rental?

The Hon'ble the Finance Member: There is a note here which I will read. "Net profit means profit after deducting the amount, if any, allowed by way of remission of rent and revenue, for the fall in prices."

Khan Bahadur Maulvi Fasih-ud-din: Before I begin my speech I should like to accord a very hearty welcome to our Finance Member, the Hon'ble Mr. Blunt, and to congratulate him on his speedy recovery from a somewhat serious illness. I came here armed with so many reasons in order to press the Government to bring up these measures at once, but I have been thoroughly disarmed by the speech of the Hon'ble the Finance Member. So I admit that I have now dispensed with all those ideas and I have nothing but thanks to offer to the Hon'ble the Finance Member for the very welcome announcement that he has made today. It was the Hon'ble Mr. Blunt who had initiated these proceedings and it will be a great consolation to all of us to know that he will bring up all these measures before the end of this session and perpetuate his memory in these provinces for all time to come.

***Rai Bahadur Thakur Hanuman Singh:** I rise to thank the Hon'ble the Finance Member for the assurance that he has given in his speech and in view of that I beg to withdraw the motion.

The motion was, by leave, withdrawn.

RESOLUTION *re* HILL EXODUS.

Syed Yusuf Ali: I beg to move—

That this Council recommends to the Government that owing to financial stringency the exodus of officials to the hills be entirely stopped during the current year.

Sir, this question has been discussed on previous occasions as well on the floor of this House. So it is not a new proposition that I am submitting today. But the occasions on which this proposition was previously discussed were different. On one occasion it was discussed in 1921 from an entirely different point, and in 1922 from another point. I move this proposition seeing, as I am given to understand, that the Council session is not going to be held this year at Naini Tal because the Government find it difficult to find money to meet the expenditure that will have to be incurred on a Council session at Naini Tal. Well, Sir, this is the extent to which the members of this House are asked to contribute to the saving of the money which might be spent somewhere else. In the same spirit, Sir, I am asking the officials to contribute their

* Speech not revised by the honourable member.

quota, just as they ask the members of this House to contribute theirs. Well, Sir, there are given various reasons for going to Naini Tal in respect of the officials who do administrative and other sort of work. It was urged on some occasions that owing to the hot weather here the quantity or the amount of work that the officers do differs in proportion and in efficiency as compared with that which is done at Naini Tal.

The other point of view that was urged was that if the officials do not go to the hills but rather stay in the plains, they will be in closer touch with the activities that are taking place every day in the plains. Taking both these points into consideration, I submit, Sir, that if it is necessary for the officers to do work in the cool breeze of Naini Tal, there is no reason why the Council work should not be done in the same atmosphere. The work that the Council has to do I think is not less important than the work that the officers have to do. If they take into consideration the difficulties which the members will have to undergo if the Council is held somewhere in July or August, then I think they will agree that if the Government is disposed to allow officials to go to the hills, there is no reason why the members should be asked to come to Lucknow in July or August, which is as hot as anything. If the Council is going to be held in Lucknow in July or August, I think the officials who will be staying from May to June in Naini Tal will have to shift to Lucknow, and that will involve a greater amount of expenditure. To save this expenditure I think that it would be better if the Council is held at Naini Tal if officials go there. But if the Council is not going to be held there, I do not think that there is any reason why officials should go to Naini Tal. In 1921 this proposition was argued from the point of view that it will save a good deal of money if officials did not go to Naini Tal. There was a divergence of opinion—some thought that it would save something if the exodus of officials was stopped, some were of opinion that it would not. The underlying meaning of my resolution is this that if Government think that Council is not to be held on account of financial stringency, the officials should also contribute and take the trouble of staying in the plains during the hot season, so that they may also feel what the members have to suffer.

The Hon'ble the Finance Member: Sir, I must admit that this discussion has taken a line I hardly expected. It sounds to me like a sort of bargain. "If you go, we go: if we do not go, you won't go." There is also another remark which rather amused me. The honourable member talks about "activities" during the hot weather in the plains. My recollection of the plains in the hot weather is they were not a particularly active place. However, I come to the point. Government have come to certain decisions regarding what I will call the *Government's* hill exodus, as apart from the Council's. We have decided to reduce, to a certain extent, the time that we shall be in the hills. We are not going till the beginning of May. Government have also reduced considerably the amount of staff that is going there. That saving by itself amounts to about Rs.22,000. But there is also an addition to revenue, because some unfortunate people who have government residences down here will have to pay rent to Government for an extra

The Hon'ble the Finance Member.] month. So the net benefit is about Rs.25,000. That is really outside the scope of the debate, on the lines it has taken. That is going to happen anyhow.

Then comes the question of the Council meeting. The figures before me suggest that that will save Rs.13,000. Personally I doubt it, because though that may be the extra cost of a meeting in Naini Tal, it seems unlikely that account has been taken of the extra cost if we have it down here. There will be, for instance, officials who will be entitled to travelling allowance. There will also be hot weather charges. A lot of clerks who are up in Naini Tal will also have to be brought down—stenographers, and so on; and it will be imperative to bring down the Camp Press. I fancy the true saving will probably be nearer Rs.6,000 than Rs.13,000. On this particular question as to whether this meeting is to be held in Lucknow or Naini Tal, I think I can say that Government have an open mind. What Government would like on this occasion is a quite clear indication from the Council of what it wants itself. And I have a simple suggestion, which I hope will satisfy the honourable mover to enable the Council to indicate its views. If it wants the meeting to take place in Naini Tal, then it should agree to the withdrawal of the resolution. If it does not and wants it to be held in Lucknow then it should press it to a division.

Khan Bahadur Saiyid Jafer Hosain: Sir, I support the resolution moved by my friend Saiyid Yusuf Ali. I may remind the honourable members that a similar resolution, not exactly in the same words but more or less on the same lines, was moved in the year 1921 by Pandit Hirday Nath Kunzru. That resolution was for a curtailment of the period of exodus to the hills. Replying to that motion the then Hon'ble the Finance Member—Sir Ludovic Porter—spoke about the benefits of the stay at the hills during the hot weather. He said that it was undoubtedly a fact that the exodus to the hills was necessary for the officials concerned and that they get more hours of work by remaining up in the hills. Well Sir, if that was the case made out for exodus to the hills, I think it is logical that that reason should equally apply to the Council session being held in the hills. If it is considered that officials put in more hours of work and better quality of work in the hills, there is no reason to suppose why honourable members of this House should not do likewise. Sir, the question of bargaining does not enter into this question at all. Therefore I consider that a case has been made out for holding a Council session on the hills and we should thank the Hon'ble the Finance Member for keeping an open mind on this subject and I hope that the verdict of this Council will be a united and a unanimous one and that it will vote for the session being held at Naini Tal. If the Government does not accept this proposition then this resolution should be unanimously passed.

Rai Bahadur Babu Yikramajit Singh: Sir, the question under discussion is a very simple one. We find, Sir, from a letter which was sent to me by the Secretariat in answer to a question that the expenditure on the hill exodus is Rs.1,07,000. It was said in that letter that the present cost of the sojourn of the Secretariat and the Heads of departments at Naini Tal is Rs.1,07,000.

The Hon'ble the Finance Member: May I ask, what is the date of that letter.

Rai Bahadur Babu Vikramajit Singh: The date of this letter is 27th September, 1932.

The Hon'ble the Finance Member: I was at home at that time.

Rai Bahadur Babu Vikramajit Singh: Therefore it is for the Government to say whether they want a saving of Rs.1,07,000 or whether they can go on without having a saving of Rs.1,07,000. So far as we are concerned, if the Government can balance the budget, in that case I am prepared to say that it is not necessary to stop the hill exodus, but the Government cannot come forward and say that they want to have a saving of six thousand or thirteen thousand only by cancelling the Council session at Naini Tal. That, I think, will not be a fair proposition for the Government at all because if the Government think of making a saving of six or thirteen thousand by cancelling the Council session at Naini Tal, it will be absolutely unfair to allow the Secretariat and other offices to move to Naini Tal and to spend Rs.1,07,000 on their stay there. The Hon'ble the Finance Member said that they were prepared to reduce the expenditure by Rs.25,000 by curtailing the period, but that, I think, will not substantially reduce the expenditure. It will reduce it from Rs.1,07,000 to Rs.82,000. These small curtailments in the end become absolutely ineffectual. The Government ought to adopt a clear-cut policy either to carry on the expenditure that they have been carrying on together with the holding of the Council session there and keeping the Secretariat and other Heads of departments there as usual or not to have anything of the two, that is, they can save the entire sum of Rs.1,07,000 as well as Rs.13,000 on the allowances of the members of the Council. That will be a good saving to the Government and we are prepared to support the proposal, but if the Government does not need money and it can go on with the expenditure, in that case it will not be good for the Government to say that the Council session need not be held at Naini Tal, but that it might be held in Lucknow in order to save money. I do not put it forward in a spirit of bargaining at all; I put it forward merely as a question of principle. We know that there are a large number of highly paid officers who do their work in the plains. I also recognize that it is always very useful for the Secretariat and other highly paid officers to be in Naini Tal; they can put in more work there. The climate of Naini Tal is certainly better than that of Lucknow or Allahabad in the hot weather and it is very convenient to be up in Naini Tal in that part of the year, but at the same time it cannot be said that the work cannot be conducted in the plains. Even Judges of the High Court, Judges of the Chief Court, Commissioners and all other highly paid officers do live in the plains and carry on their work. Consequently it will be for the Government to make up their mind definitely on the question whether they really do want a saving or not. Our proposition is that the hill exodus should be absolutely cancelled in the interests of retrenchment and economy.

[Rai Bahadur Babu Vikramajit Singh.]

Sir, when we were sitting on the Retrenchment Committee, we made certain recommendations, but those recommendations for retrenchment and economy with regard to hill exodus did not go a long way. I do not think it made any appreciable saving because it was said that there would be a certain number of Secretaries and Deputy Secretaries and so on who will have to stay there. As a result of it only a few officers probably will be deprived of the privilege of going there and the rest will stay there as usual. I, therefore, submit that mere curtailment of the period will also be not of very great use because after all the houses that are rented in Naini Tal will always go by the entire season and not by particular months and consequently the officers who will have to stay there will have to pay rent for the whole season and there will not be any appreciable saving in adopting a method of this kind which will be a halfway method. Therefore the only possible method in the interests of retrenchment and economy is to cancel the hill exodus absolutely. But if we are in affluent circumstances, if we have got money, I have nothing to say. The hill exodus may continue as usual; the Council sittings may continue as usual; there is no reason why the Council should not meet at Naini Tal. People, who have to come from long distances for a few days only in order to attend the Council meetings, require better housing than officials who have got their permanent arrangements. The members of the Council will not be able to make very good arrangements for a few days and therefore they would naturally like to remain in a better climate and better place than Lucknow for the purpose of a Council session in the hot weather. I, therefore, unless the Government fall in with our views, would support the resolution that has been put forward by my honourable friend that the entire hill exodus be stopped in the interest of retrenchment and economy.

Saiyid Yusuf Ali: Sir, before I say anything as to what I am going to do with the resolution, I would submit that I do not agree with the remark that was made by the Hon'ble the Finance Member. It is not a question of bargaining; it was never a question of bargaining. The question is purely this: whether Government are going to make any economy and effective economy or not or are they going to make only a nominal economy. If the Government want to save a few thousands of rupees by stopping one or two branches of the Secretariat or some officials here and some officials there; that is not the way in which real and effective economy can be made. If they are genuinely anxious that real economy should be effected, then, as has been remarked by my honourable friend Babu Vikramajit Singh, the move of every department from Lucknow to hills should be cancelled. If that is not done, then I submit that there is no reason why partial and very insignificant economy should be made. With these words I conclude my speech and do not think that I should urge the resolution and I withdraw it.

The resolution was, by leave, withdrawn.

RESOLUTION *re* MUSLIM WAQFS

Khan Bahadur Hafiz Hidayat Husain: I beg to move—

That this Council recommends to the Government to give effect immediately to the resolution relating to Muslim waqfs passed by this Council.

In moving this resolution I am referring to a similar resolution that had been passed by this Council on the 14th of June, 1932. That resolution was moved by my humble self and was passed unanimously without a single dissentient voice in this House. About eight months have passed since that resolution was passed but unfortunately, so far as we are aware, nothing has been done by Government to give effect to that resolution. The resolution in question sought that the recommendations of the Waqf Committee that had been appointed in pursuance of another resolution moved by me in June, 1927, be implemented by an enactment embodying the recommendations of the Committee appointed by the Government. That Committee, Sir, as we are all aware, was composed of representatives of Muslim theological institutions, mutawallis of waqfs, and the members of this Council and it was presided over by one who is now a Judge of the High Court at Allahabad. Sir, I do not wish to take up the time of the Council by expatiating or enlarging on the absolute necessity of a measure which would protect the Muslim waqfs of these provinces. As I said before in June, 1932, evidence of overwhelming character was forthcoming before the Committee showing the moral depravity to which many of the mutwallis had relegated themselves in misappropriating large funds of waqfs which could and should have been legitimately spent in furtherance of educational and social activities of the Muslim community. The need of such an enactment has been increasingly felt and cannot be too much stressed. But the reason why I have brought this resolution again is that although since June, 1932 resolutions have been passed by various Muslim institutions and bodies impressing upon the Government the absolute need of a measure which could protect the Muslim waqfs and although this Council of elected representatives both Muslim and Hindu passed that resolution, unfortunately so far nothing has been done by the Government. I am aware that the times are disjointed and that the preoccupations of the Government are great. But the time that has been taken by the Government in even giving an inkling of its mind to the Council or to the humble mover of this resolution with regard to its attitude to the question demands that the Government took the Council into its confidence and stated if it proposes to do anything after all to effectuate the resolution which only emphasizes the necessity of a measure that has been long overdue. Sir, I am sure that the Hon'ble the Minister will say that he has very great sympathies with me and the object in framing the resolution. I have no doubt that he has and I do not at all question his sympathy. But will he take early steps in order to translate that sympathy into action and show to the Muslim community that the attitude of the Government in this matter is not one of indifference but it participates in its anxieties to reform the institution of waqf.

The other point, Sir, which may be urged on behalf of the Government is that a similar committee had been constituted for the Hindu waqfs and that no action has been taken on the recommendations of that Committee either. To begin with, Sir, two wrongs do not make

Khan Bahadur Hafiz Hidayat Husain.]

one right. But the differentiation between the report of the Muslim Waqfs Committee and the report of the Hindu Waqfs Committee is that in the case of the former there is a unanimous report, there being not a single dissentient voice, while in the case of the latter there are both majority and minority reports. I can quite understand that the Government would take time in the case of the Hindu waqfs for the reason stated above, but there is no question of taking any time with regard to the Muslim waqfs. So far as I know, even the report of the Muslim Waqfs Committee has not been distributed so far. Public opinion, on which the Government stressed so much on the last occasion, has not, as far as I know, been elicited from any section of the community by the Government. Then, Sir, in the case of the Hindu waqfs there is a unanimous report at least on one point and that point is that statutory action should be taken, on the report after the Reforms have come into operation. Well, this is absent from the Muslim Committee's report. Therefore I say that these two reports do not stand on the same plane of action. As one practising on the civil side of our courts I know that the Hindu waqfs are equally badly managed, but if the representatives of the Hindu community want action to be deferred till the Reforms come into operation, who would stand in their way. But, both Hindus and Muslims of this Council are combined in this matter that action should be taken on the question of Muslim waqfs as soon as possible, and I cannot really understand why Government have been so very indifferent so far. I do not think I should say anything more. I would only again say that it behoves the Government to treat the Council with a little more courtesy and take it into its confidence and give its reasons as to why the recommendations of that committee, which have the support of the entire House, have not been so far put into practice.

Captain Nawab Muhammad Jamsheer Ali Khan: After the lucid and eloquent speech of the honourable mover I have little to say. Sir, as a member of the Waqf Committee appointed by the Government I had a chance of visiting a few districts of the province. That experience of mine showed that the condition of the waqf properties is very poor. The mutwallis have either sold the property or mortgaged it. I am sure if waqf properties are neglected for some time more they will be totally ruined. Even now it is not too late. I think it is one of the essential duties of Government to safeguard these charitable endowments and if these waqfs are properly managed the money will be used for the furtherance of the community. I hope, Sir, that the Government will lose no time in bringing into operation the recommendations proposed by the Waqf Committee. With these words I support the resolution so ably moved by Khan Bahadur Hafiz Hidayat Husain.

The Hon'ble the Minister for Education: Sir, with your permission I wish to start by giving a short description of how the matter has been progressing since it was first initiated by the honourable mover of this resolution in 1927. A resolution was moved in June, 1927 urging the appointment of a committee to go into the matter of Muslim waqfs. Government took some time to consider the matter and they finally formed a committee in January, 1929. This committee, got to work and submitted its report in July, 1931. This report was very carefully considered by Government and they issued a resolution in January, 1932; they at the same time ordered the publication of the report of the

committee. The report was published in English some time about June or July of 1932—I have not got the exact date here with me. Then it was considered that it would be desirable to publish also a vernacular translation of the report. The translation was very kindly done by the President of the Committee, and it was published in September or October of 1932. Both the English version and the Urdu translation of the report have been before the public for a comparatively short time. We have so far not received any opinions worth having. The Urdu translation especially has not been before the public for more than three months or so. Government have not been oblivious of its duty in this matter, but they want to proceed with some caution. This is a matter which relates to a religious usage of long standing, and it is always a little difficult and delicate for Government to rush into a matter of this kind. As I said whilst replying to the resolution of the honourable mover in June last, we have every sympathy with the object which he has in view, and we would be very glad to see the abuses to which the Muslim waqfs are subjected removed, but we as Government naturally do not wish to tread on any one's toes. The report is no doubt unanimous; as I said in June last, it is a very businesslike document, and the committee deserves to be congratulated on producing such a report. But still reading the report—I have myself studied it carefully—one comes up against doubtful points and difficult corners. The proposals in the report is that every district should have an advisory committee partly nominated and partly elected. Government is charged with the responsibility of nominating a certain proportion of the members. How far it is possible for Government to do this to the satisfaction of all concerned is a point for consideration. Then there is to be a protector, who is given great many powers, although in the matter of actual management of waqfs his scope has not been very clearly defined. The district committees are to have representation of Shias and Sunnis both. That again might be a controversial matter, as this involves the fixation of the exact proportion of each. Then, Sir, there is the question of mutwallis *vis-à-vis* sajjadanashins. The committee itself was not very sure to what extent the sajjadanashin should be brought into the scheme. It says that it was a mistake to separate the position of a sajjadanashin from that of the mutwalli. By referring to these matters I do not mean that they are not capable of a solution. But Government feel that if they take a decision on them, they might be easily misunderstood. We have therefore decided to wait and see if the Muslim public will give its own opinion, which would assist us in formulating our own proposals. Unfortunately so far we have not received this assistance. Of course, as I have stated before, it is only less than three months since the Urdu translation was issued to the public. We may be getting opinions later on. But, Sir, as I suggested, whilst replying to the honourable mover in June last, it would perhaps be by far the best thing if a private Bill dealing with this matter could be brought forward. I think, Sir, that as a matter of convention it would be desirable for such religious and social matters to be dealt with by a private legislation. So far as the Government is concerned, I wish to assure the House that we will not stand aside. We realize the importance of the matter, and we will very gladly support any measures

The Hon'ble the Minister for Education, over which there is a substantial agreement in the community itself. We know that Muslim waqfs along with the Hindu waqfs are being misused, and that the money could be utilized to a much better purpose, and we wish to help both the communities in evolving something which would remedy these evils and which at the same time will be acceptable to a large section of each community. The honourable mover referred to the Hindu report. The position there no doubt is that the committee was unable to produce a unanimous report. Still it could be argued that if Government decided to embark on legislation it could introduce some kind of measure which might or might not be acceptable to the entire Hindu community. We are undoubtedly on more delicate ground there, but if we as Government introduce a Bill dealing with the Muslim waqfs we could hardly stand aside and say that we do not want to introduce a similar Bill in respect of Hindu waqfs. It is for this reason all the more important that honourable members of this House belonging to either of these communities should initiate legislation themselves. I do not see any difficulty in this. The honourable mover of the resolution has taken a leading part in this matter since it was first brought in this Council in 1927. He himself served on the committee, and I believe he himself was largely responsible for writing the report. I see no reason why he should not complete his work by introducing a Bill dealing with the recommendations of the committee on which he so ably served. I wish to make it plain again that the Government would be very glad to assist him in getting through the Council any measure which would be acceptable to his community. Ours is not a position of aloofness. We do not want to initiate the legislation, but we would very gladly give what support we can to put a private Bill through, in accordance with the wishes of the community.

(During the course of the above speech the Hon'ble the President resumed the Chair at 3.15 p.m.)

Nawabzada Muhammad Liaquat Ali Khan: Sir, the Hon'ble the Minister during the course of his speech remarked that it is not safe for Government in such matters "to rush into it." I do not think there has been much rushing on the part of the Government in this matter. If anything, the pace of the Government has been that of a tortoise. A resolution was adopted by this Council in 1927 asking the Government to appoint a committee to go into this question. To think over such a simple matter it took the Government two years. In 1929 they decided that a committee should be appointed. I am, Sir, proceeding in the same chronological order as the Hon'ble the Minister did. The report of the committee was submitted in July, 1931. It was published after one year, i.e., in June, 1932. To consider that report, whether it should be published or whether it should be consigned to the wastepaper basket, the Government took one year, and then they decided to publish it.

The Hon'ble the Minister for Education: It is not one year.

Nawabzada Muhammad Liaquat Ali Khan: The report was submitted in July, 1931. The report was published in English in June, 1932. I think, Sir, if you make a calculation there may be a difference of only a few days. These are the dates given by the Hon'ble the Minister

himself. Then, Sir, in June, 1932 it was decided that it was not enough that this report should be published in English and that an Urdu translation should also be published. Thanks to the service of the Chairman of that Committee, the Urdu translation was published in September, 1932. Had it been left to the Government to have the Urdu translation done by their own agency, perhaps it would have taken another two years before the translation could have been made. Now, Sir, the report has been before the people in this province in English since June, 1932 and in Urdu since September, 1932.

The Hon'ble Minister has said that no opinions have been received by the Government on this subject. It shows that the Muslim community has no objection to the contents of that report. The Muslim community had full confidence in the members who were appointed to go and inquire into this matter and the report that has been submitted has evidently got the approval of the Muslim community. Otherwise, I am sure the Hon'ble the Minister would have received numerous objections because the people may be slow in anything else but they are not slow in raising objections. Sir, the Hon'ble the Minister pointed out certain things from that report; perhaps he had his doubts whether those things could be embodied in the form of a Bill. Surely the Government have some opinion of their own. Surely they can decide whether according to their lights those things are practicable or not. Is it that they wait for the initiative from the non-official members in every respect and they have no responsibility of their own?

The Hon'ble the Minister for Education: In religious matters we do not want to interfere.

Nawabzada Muhammad Liaquat Ali Khan: This question of protecting waqf property is not religious in that strict sense in which the Hon'ble the Minister tries to make it out to be. A certain property has been endowed for charitable purposes. If, of course, Government brought forward any Bill taking away those endowments or using them for uncharitable purposes, then, of course, it would be interfering with religion. But as long as the income from those properties is spent on those purposes and for those objects for which that waqf was made, there cannot be any interference with religion. I submit, Sir, that it is for the Government to go into that report thoroughly and make up their minds whether these waqf properties require any protection or not. The moment they agree that they do require protection, then it is their duty to bring forward a Bill which will protect these properties and which will help in the carrying out of those objects for which these properties were given in waqf. With these few words, Sir, I support the resolution of my friend Khan Bahadur Hafiz Hidayat Husain.

Khan Bahadur Hafiz Hidayat Husain: Sir, as I said before I have no reason whatsoever to doubt the sympathy of the Government with the object of my resolution. Unfortunately, however, the evidence of that sympathy has been more in the lacking than in its exhibition. The Hon'ble the Minister has referred to the religious aspect of the question and in order to emphasize his meaning has stressed upon the report of the committee relating to the position of sajjadanashins.

Khan Bahadur Hafiz Hidayat Husain.]
 I want firstly to emphasize the fact that in the mandate that was given to the committee by the Government, the committee was asked to advise Government as to how the administration of Muslim waqfs could be improved. If after all the labour that has been spent and all the money that has been wasted on this question in the past, and if in spite of the advice that has been given by the committee to the Government as to how the charitable institutions can be improved in their administration, Government now seems to think that this is a religious matter and that the Government cannot interfere or that it is risky to interfere then my submission is that the labours of the committee and all the money that has been spent on it has been thrown away, and the Government should have thought of this before and not spent about Rs.15,000 over the Muslim Committee and about Rs.30,000 over the Hindu Committee.

But let me point out to the Hon'ble the Minister one outstanding fact and that fact is that the Muslim Waqf Committee took considerable pains to indicate in its report the religious character of the sajjadanashin or the religious nature of the institutions on which no action need be taken. The committee recommends action only on the secular aspect of it.

Then, Sir, with regard to the public opinion not having been received by Government my honourable friend Nawabzada Sahib has enlightened the Government, but I may inform the Government that when the committee went round, it took evidence of hundreds of people and there was a consensus of opinion that the conditions of waqfs were so ill-managed, so bad, so deteriorating that it was essential that action should immediately be taken if the Muslim waqfs were to be saved. Lastly, Sir, my honourable friend the Minister has said that he could not say "no" to the other community when they were taking up the subject of the Muslim waqfs. My submission is that nobody said that you should say "no". On the contrary both Muslims and Hindus have religious endowments and it is the bounden duty of the Government to reform both. It is no answer to say that there are certain difficulties in the way of Government Bills being brought. Those difficulties, if any, are admittedly capable of being overcome. What I ask the Government is to look at the question a little more sympathetically and help the community in bringing the administration of waqfs on a footing which will go to help the community according to the wishes of the waqfs and nothing more.

The Hon'ble the Minister for Education: I am afraid my meaning has not been clearly understood. Government are not in any way trying to create difficulties. They want this measure of reform to go through. They have suggested that it would be a much better thing for this legislation to be introduced by a private member. Neither the mover nor the Deputy President who spoke on this resolution has said as to why there is any difficulty in a private Bill being brought forward.

Nawabzada Muhammad Liaquat Ali Khan: Will you support the Bill if it is brought forward?

The Hon'ble the Minister for Education: I have said that we would support all measures over which there is a substantial agreement in the community.

Nawabzada Muhammad Liaquat Ali Khan: Is it like the 'maximum' agreement at the Round Table Conference?

The Hon'ble the Minister for Education: No, but we would be very glad to see that the Bill goes through in a form which would be acceptable to the community. I know that the committee was representative of Muslim interests. But at the same time we must not forget that the mutwallis and sajjadanashins have not yet realized what is being proposed for them. Once they know they will create agitation. There can be no two views about that. They are being deprived of something which they rightly or wrongly regarded as their own. It is also equally true that these mutwallis and sajjadanashins have great influence with the masses. They may not be strictly speaking religious personalities, but they are regarded as such by the illiterate masses and they are capable of creating a great deal of agitation.

Mr. Ali Zaheer: Have they started agitation against this?

The Hon'ble the Minister for Education: They have not yet. As I said before they have not yet realized the implications of the measure and that is why we felt that legislation over a matter like this should best be initiated by a private member. We have not in any case given these mutwallis and sajjadanashins sufficient time yet to express their opinion because the Urdu translation of the report has been out only for less than three months and it takes some time for a thing like this to filter through and to be understood. I would, therefore, appeal to the honourable mover of this resolution to take it upon himself to introduce this legislation and any assistance that I am capable of giving I will gladly give him.

Nawabzada Muhammad Liaquat Ali Khan: May I ask a question, Sir?

The Hon'ble the President: The Hon'ble the Minister may resume his seat now.

Nawabzada Muhammad Liaquat Ali Khan: How will the Government judge that the measure if brought forward by a non-official member of this Council has the support of his community?

The Hon'ble the Minister for Education: The Bill will be published and Government will receive opinions. But if they take this responsibility for the Bill then they can hardly go back on any provisions of it.

Rai Rajeshwari Prasad: May I put a question to the Hon'ble the Minister? Is it only a suggestion or a decision of the Government that in the matter of legislation on Muslim as well as Hindu waqfs, the initiative should be from the non-official side of this House?

The Hon'ble the Minister for Education: Well, it is very difficult to define a suggestion and a decision in matters like this.

The Hon'ble the President: It is a decisive suggestion in any case. The question is that this Council recommends to the Government to give effect immediately to the resolution relating to Muslim waqfs passed by the Council.

The question was put and agreed to.

The Council was then adjourned at 3.40 p.m. till the following day.

APPENDIX A.

(See page 2 *supra*)

Statement referred to in the answer to starred question No. 11 for the 15th February, 1933, asked by Pandit Prem Ballabh Belwal

- (1) Pandit Krishna Nand Shastri.
- (2) Pandit Mathura Dutt Trivedi.
- (3) Pandit Jai Dutt Pande.
- (4) Pandit Hari Dutt Joshi.

APPENDIX B.

(See page 2 *supra*)

Statement referred to in the answer to starred question No. 12 for the 15th February, 1933

EDUCATION EXECUTIVE COMMITTEE MEMBERSHIP.

The committee shall be constituted as follows :—

- (1) All the managers of the conference boarding schools for boys.
- (2) One Indian head master for each unit of four conference boarding schools for boys, with a minimum of one until there are more than four such schools. These representatives to be appointed by the Board of Education.
- (3) The area educational secretary.
- (4) The Treasurer, Board of Education.

APPENDIX C.

(See page 5 *supra*)

Lists referred to in the answer to starred question No. 23 for the 15th February, 1933, asked by Kunwar Jagbhan Singh.

1. Pandit Jai Nath Sharma.
 2. Babu Jyoti Sarup.
 3. Babu Brahma Sarup Darbari.
 4. Chaudhri Bharat Singh.
 5. Kunwar Sheoraj Bahadur.
 6. Babu Raghunandan Sarup.
 7. Babu Mahesh Chandra.
 8. Babu Lakshmi Narayan Bhatnagar.
 9. Babu Bankey Bihari Lal.
 10. Thakur Balgobind Singh.
 11. Thakur Ganga Singh.
 12. Munshi Muneshwar Bakhsh.
 13. Babu Baldeo Prasad.
-
1. Munshi Muhammad Askari.
 2. Munshi Kazim Ali Khan.
 3. Munshi Muhammad Anwarul Haq.
 4. Munshi Latif Ahmad Faridi.
 5. Khwaja Rahat Husain.
 6. Sheikhzada Mahtab Ali Khan Siddiqi.
 7. Sayid Ali Asghar.
 8. Saiyid Shabbir Hasan Bilgrami.
 9. Munshi Ikram Uddin Ahmad.
 10. Munshi Abdul Hamid.
 11. Munshi Abdul Bari Khan.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH

Thursday, 16th February, 1933

THE Council met at Council House, Lucknow, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (85)

The Hon'ble Mr. E. A. H. Blunt.
The Hon'ble Captain Nawab Sir Muhammad Ahmad Sa'id Khan.
The Hon'ble Nawab Sir Muhammad Yusuf.
The Hon'ble Mr. J. P. Srivastava.
Mr. J. M. Clay.
Mr. C. St. L. Teyen.
Mr. P. Mason.
Mr. P. M. Kharegat.
Mr. H. A. Lane.
Mr. J. R. W. Bennett.
Colonel H. B. Nutt.
Mr. H. J. Frampton.
Khan Bahadur Saiyid Ain-ud-din.
Rai Bahadur Babu Phul Chand Mogha.
Mr. J. N. L. Sathie.
Mr. S. S. L. Dar.
Mr. J. Whitelend.
Mr. S. T. Hollins.
Saiyid Abdul Hasan.
Mrs. Kailash Srivastava.
Khan Bahadur Maulvi Fasil-ud-din.
Mr. E. Ahmad Shah.
Rai Sahib Babu Rama Charana.
Mr. Perma.
Rai Bahadur Babu Awadh Bihari Lal.
Rai Bahadur Babu Kanta Prasad Kakkar.
Chaudhri Jagarnath.
Chaudhri Baldeva.
Mr. Tappu Ram.
Raja Bahadur Kushal Pal Singh.
Chaudhri Ram Chandra.
Chaudhri Ghasita.
Chaudhri Arjuna Singh.
Kunwar Grewar Singh.
Pandit Joti Prasad Upadhyaya.
Chaudhri Dhirya Singh.
Thakur Balwant Singh Gahlot.
Lala Shyam Lal.
Babu Kanta Nath Saksena.
Mr. Brijnandan Lal.
Rao Narsingh Rao.
Chaudhri Ram Adhin.
Mr. Bhondu Ram.

Chaudhri Bharos.
Pandit Shri Sadayatan Pande.
Raja Sri Krishna Dutt Dube.
Rai Bahadur Babu Jagadeva Roy.
Mr. Dahari.
Rai Rajeshwari Prasad.
Pandit Prem Ballabh Belwal.
Thakur Jang Bahadur Singh Bisht.
Sardar Bahadur Thakur Narayan Singh Negi.
Pandit Brahma Dutt alias Bhaiya Sahib.
Rai Bahadur Thakur Hanuman Singh.
Rai Bahadur Lal Shoo Pratap Singh.
Kunwar Diwakar Prakash Singh.
Thakur Muneshwar Baksh Singh.
Raja Birendra Bikram Singh.
Rai Rajeshwar Bali.
Syed Ali Zahoor.
Syed Yusuf Ali.
Khan Sahib Muhammad Maqsood Ali Khan.
Captain Nawab Muhammad Jamsheed Ali Khan.
Nawabzada Muhammad Liaquat Ali Khan.
Mr. Muhammad Rahmet Khan.
Khan Bahadur Muhammad Hadiyah Khan.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Maulvi Saiyid Habibullah.
Khan Bahadur Saiyid Zahid Ali Subzposh.
Khan Bahadur Shaikh Ghulam Husain.
Khan Bahadur Hafiz Ghazanfarullah.
Khan Bahadur Saiyid Jaffer Hosain.
Shaikh Abzal-ud din Hyder.
Khan Bahadur Sirdar Muhammad Shakirdad Khan.
Khan Sahib Muhammad Imtiaz Ahmad.
Shaikh Muhammad Habibullah.
Raja Saiyid Ahmad Ali Khan Alvi.
Mr. L. M. M. d. y.
Chaudhri Muhammad Ali.
Thakur Rampal Singh.
Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Raja Jagannath Baksh Singh.
Mr. E. M. Souter.
Rai Bahadur Babu Vikramajit Singh.
Babu Gajadhar Prasad.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

EXCISE POLICY OF THE GOVERNMENT

*1. **Mr. C. Y. Chintamani** (*absent*) : (a) Why did Government not fulfil the promise made by the Hon'ble the Finance Member in June last to allot an official day of the last session for the adjourned discussion of the resolution on Excise policy ?

(b) When do they propose to fulfil the promise, if at all ?

The Hon'ble the Minister for Education : (Mr. J. P. Srivastava) :

(a) No such promise was made. The undertaking was that an official day would be given for the discussion when the data are collected. An official day was not allotted at the November session as the data were not ready.

(b) A date has been fixed for the purpose.

*2. **Mr. C. Y. Chintamani** (*absent*) : Will Government make a statement on the results of their new policy, so far as they have been able to ascertain them, in respect of numbers of shops and consumption, both of spirits and drugs, of revenue, and of illicit distillation ?

The Hon'ble the Minister for Education : Government have introduced no new policy and have therefore no statement to make about it. A statement about the change in the method of settling licences will be made when the debate on the subject is resumed.

*3. **Mr. C. Y. Chintamani** (*absent*) : Is it Government's intention to make any fresh change of policy in any respect or to continue as they began last year ?

The Hon'ble the Minister for Education : Government have not made, and have no intention of making, any change in *policy*.

TREATMENT OF POLITICAL PRISONERS

*4. **Mr. C. Y. Chintamani** (*absent*) : Will the Hon'ble the Home Member lay on the table copies of the opinions of Pandits Jawahar Lal Nehru and Krishna Kant Malaviya on the treatment of political prisoners, to which he referred in his speech in Council on 25th November, 1932 ?

The Hon'ble the Home Member (Captain Nawab Sir Muhammad Ahmad Said Khan) : In my speech on the 25th November last I merely referred to the assistance given by Pandit Jawahar Lal Nehru to the jail authorities on a particular occasion which was brought to our notice and I never referred to his opinion generally about our jail administration. Government are not prepared to lay on the table a copy of the letter of Pandit Krishna Kant Malaviya.

*5. **Mr. C. Y. Chintamani** (*absent*) : Will the Hon'ble the Home Member be further pleased to lay on the table a copy of the letter of Mr. Jawahar Lal Nehru about the statement made by him (the

Hon'ble the Home Member) in the Council on 25th November, 1932, and any reply that may have been sent, and any further correspondence that may have followed ?

The Hon'ble the Home Member : Government are not prepared to lay a copy of the correspondence on the table.

SUPERINTENDENTSHIP OF FYZABAD DISTRICT JAIL.

*6. **Mr. C. Y. Chintamani** (*absent*) : Do Government propose to remove the Fyzabad District Jail from the superintendence of Dr. Shyam Manohar Lal ?

The Hon'ble the Home Member : Dr. Shyam Manohar Lal is no longer Superintendent of the Fyzabad District Jail as a full time Superintendent has been appointed there.

RETRENCHMENT OF CERTAIN SUPERIOR GAZETTED POSTS.

*7. **Mr. C. Y. Chintamani** (*absent*) : Will the Hon'ble the Finance Member be pleased to state what is the present position of the questions of abolition or reduction of Commissioners of Divisions, Superintending Engineers, I. C. S. District Officers, and I. P. S. officers ?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt) : As regards all these officers, except Superintending Engineers, no change has taken place with regard to the questions referred to by the honourable member since they were raised in another Council question in November last. These questions form the subject of correspondence with the Government of India. As regards Superintending Engineers, Government have now formulated proposals and are about to send them to the Government of India.

I. M. S. OFFICERS IN CIVIL EMPLOYMENT.

*8. **Mr. C. Y. Chintamani** (*absent*) : Will the Hon'ble the Minister for Local Self-Government be pleased to state the numbers of (i) British and (ii) Indian I. M. S. officers in civil employ in these provinces in 1921, 1926 and 1931 and at the present time, and whether during the last twelve months any requisition has been made for more officers of that service ?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf) : 30, 29, 17 and 18 British and 2, 2, 9 and 7 Indian officers respectively, including those in Jail, Public Health and University employ.

Five officers have been asked for during the last twelve months to fill actual vacancies in the cadre of I. M. S. Civil Surgeons prescribed by the Secretary of State. The leave reserve of four British officers and one Indian officer has been left unfilled.

CHRISTIANS IN THE RAE BARELI JUDGESHIP.

*9. **Mr. E. Ahmed Shah :** (1) Is it a fact that there is no Christian official or ministerial servant in the judgeship of Rae Bareli ?

(2) Is it a fact that a qualified Christian candidate of that district applied for a post in that judgeship this year (1932) ?

(3) Is it a fact that two selections were made but the above candidate was not selected ? If so, why ?

(4) Is it the policy of the Government to have adequate representations of the minority communities in the services ? If so, why was this representation not maintained in the Rae Bareilly judgeship ?

The Hon'ble the Home Member : (1) Yes.

(2) Yes.

(3) Yes. One candidate had been working in the judgeship from 1927 in temporary vacancies, and the other was considered better qualified as in addition to the High School examination, he had passed the Vernacular Final Examination. The Christian candidate has not been rejected but his case will be considered when the next vacancy occurs.

(4) No. The policy of the Government is to prevent the undue preponderance of any one community.

RESTORATION OF FOREIGN SCHOLARSHIPS IN 1933.

*10. **Mr. E. Ahmed Shah :** (1) Will the Government be pleased to state if foreign scholarships (educational) will be restored next year, i.e., 1933 ?

(2) If the answer to the above question is in the affirmative, will the Government specify how many and which particular scholarships will be restored ?

(3) If the answer to the question is in the negative, will the Government consider the advisability of restoring the scholarships given to bona fide teachers or recognized institutions, as well as to the graduates of the United Provinces Universities.

The Hon'ble the Minister for Education : In view of the existing financial conditions Government have decided to award only one foreign scholarship (to a lady graduate in 1933 for training in Western methods of education) provided funds for the purpose are voted by the Council.

NOMINATION OF WOMEN TO THE MUNICIPAL AND DISTRICT BOARDS.

*11. **Mr. E. Ahmed Shah :** Will the Government be pleased to state the names, qualifications (keeping in view the literary test, if there be any) age and community of women who have been nominated both to the municipal and district boards in the Provinces ?

The Hon'ble the Minister for Local Self-Government : Two statements giving the desired information, so far as available, about the women members hitherto nominated to district and municipal boards are laid on the honourable member's table.

(See Appendices A and B, pages 113-119).

PROPOSAL TO INTRODUCE LAND ALIENATION BILL

***12. Syed Yusuf Ali :** Do Government propose to introduce a Land Alienation Bill designed to restrict the transfer of zamindari land to specified classes ? If so, about when ?

The Hon'ble the Finance Member : Subject to the sanction of the Governor General under section 80-A of the Government of India Act, Government proposes to introduce a Land Alienation Bill. It will, however, not be designed to restrict the transfer of all zamindari land to specified classes of landlords, but to restrict the transfer of one particular class of land in respect of all classes of landlords. The date when the Bill will be introduced depends principally on the sanction of the Governor General already mentioned, but will not be earlier than the last day or two of the present session.

BANKING INSTITUTIONS

***13. Syed Yusuf Ali :** (a) Will the Government lay on the table a list of the districts at the headquarters of which there did not exist at the end of 1932, a branch either of the Imperial Bank of India, or of some other banking company registered under the Indian Companies Act ?

(b) What steps, if any, does the Government propose to take with a view to place within the reach of the people of those districts suitable banking facilities by arranging with the Imperial Bank of India or with other existing banking companies for the establishment of their branches in such districts ?

The Hon'ble the Finance Member : (a) Banking is a central subject, regarding which a local Government has little information. The honourable member, however, will find a list of the joint stock banks in the province and their branches at pages 72-3 of the United Provinces Banking Enquiry Committee's Report, Volume I, which will probably serve his purpose, though it is now some three years old.

(b) The matter is one for the Central Government.

***14. Syed Yusuf Ali :** Are any incorporated banking companies permitted to maintain any kind of accounts at any Government treasury in the Province ? If so, where and subject to what conditions ?

The Hon'ble the Finance Member : No.

***15. Syed Yusuf Ali :** Is the Government prepared to allow in any circumstances or under any conditions incorporated banking companies to maintain purely credit accounts at Government treasuries ? If not, will Government give reasons ?

The Hon'ble the Finance Member : Banking is a central subject and the local Government are not competent to deal with the point raised.

NAZUL PROPERTY IN MENDU TOWN

*16. **Chaudhri Ram Chandra** : With reference to questions nos. 1 to 3, dated the 4th November, 1932, will the Government be pleased to furnish the following information?—

(a) The names of persons who signed that agreement.

(b) Did the predecessors of this zamindar buy the *abadi* also or only the land outside the town area?

(c) If only the land outside the town area, why then there is no nazul land in that town area?

The Hon'ble the Minister for Local Self-Government : (a) A list of the 38 persons who signed the agreement is laid on the honourable member's table.

(See Appendix C, page 120.)

(b) According to the *wajib-ul-arz* the *abadi* belongs to the zamindar. The land has been in the possession of his family for many generations.

(c) Does not arise.

ENFORCEMENT OF SPECIAL POWERS AND CRIMINAL LAW
(AMENDMENT) ACTS OF 1932

*17. **Mr. C. Y. Chintamani** (*absent*) : (a) Will Government be pleased to make a full and detailed statement of the immediate reasons for the enforcement of the United Provinces Special Powers Act of 1932 in 14 districts, and of parts of the Criminal Law (Amendment) Act of 1932 in 20 districts of these Provinces?

(b) Will they lay on the table the evidence in their possession which convinced them of the imminence of no-rent campaign in any of the first 14 districts and of a general civil disobedience campaign in any of the 20 districts referred to in part (a) above?

The Hon'ble the Finance Member : Reports were called for from the magistrates of 14 districts to which the United Provinces Special Powers Act was extended and Commissioners were asked for their opinions. All of these magistrates, with one or two exceptions, pressed for the extension of these measures to their districts on the ground either that recent activity of Congress workers and others showed that instigation to non-payment of rent, boycott or picketing was still being practised clandestinely, or that there was strong reason to expect that these activities would be immediately revived if powers were not available to the magistrates to deal with them. Sections 4 and 7 of the Criminal Law (Amendment) Act, 1932, were extended to the 20 districts from which reports of recent boycott and picketing had been received.

A statement is attached showing the number of convictions for political offences obtained in the 20 districts in question since December 1931.

(See Appendix D, page 121.)

CLASSIFICATION OF POLITICAL PRISONERS

*18. **Mr. C. Y. Chintamani** (*absent*): Is it a fact that the Superintendents of Meerut, Sitapur, Rae Bareilly, Gonda, Partabgarh and Fyzabad jails have been asked to report on the conduct of those prisoners who had been reduced from "B" to "C" class? In how many cases have satisfactory reports been received and how many have been restored to "B" class?

The Hon'ble the Home Member: Yes. Out of 28 such prisoners satisfactory reports have been received in the case of 15 and all these have been restored to their former class. Two of the other prisoners have been released.

FETTERING OF "B" CLASS PRISONERS IN FYZABAD JAIL

*19. **Mr. C. Y. Chintamani** (*absent*): Is it a fact that everyone of the "B" class prisoners—political as well as non-political—was ordered to be fettered by the Superintendent of Fyzabad jail in October last and that the politicals were fettered on the morning of the *Diwali* day?

The Hon'ble the Home Member: There is no record to show that everyone of the "B" class prisoners was ordered to be fettered by the Superintendent of the Fyzabad Jail in October last, but the history tickets of such prisoners show that all with a few exceptions were fettered in that month, and that those convicted in connexion with political agitation were fettered on the 29th of October which was the *Diwali* day.

*20—28. **Mr. C. Y. Chintamani**: *Postponed at the request of Government.*

INSPECTION NOTE OF THE HON'BLE THE HOME MEMBER ON
FYZABAD JAIL

*29. **Mr. C. Y. Chintamani** (*absent*): Is it a fact that on the occasion of his last visit to the Fyzabad jail the Hon'ble the Home Member wrote an inspection note? If so, will the Government be pleased to lay a copy of it on the table?

The Hon'ble the Home Member: Yes. A copy of the inspection note is laid on the table.

(See Appendix E, page 121.)

*30. **Mr. C. Y. Chintamani** (*absent*): (a) After the reference to his opinion made by the Hon'ble the Home Member in Council on 25th November, has Pandit Krishna Kant Malaviya addressed a letter of protest to him?

(b) Will the Government be pleased to lay a copy of it on the table?

The Hon'ble the Home Member: (a) No such letter has been received by me.

(b) Does not arise.

BABU RAM GOPAL, DEPUTY COLLECTOR, ETAH

***31. Khan Sahib Muhammad Imtiaz Ahmad :** (a) Will the Government be pleased to state :

(1) If it is a fact that Babu Ram Gopal, Deputy Collector, Etah, gets all his writing work in criminal and revenue cases done by his clerks ?

(2) If it is a fact that the statements of witnesses in criminal and revenue cases are both written and typed by the clerk and not by the said deputy collector ?

(3) If so, why ?

(b) Will the Government give a statement of cases under Act III of 1926 and Act II of 1901 (a) that were pending at his appointment as Sub-divisional Officer, Etah, (b) that have been instituted so far in his court, and (c) the total number of judgments delivered by him in such cases ?

The Hon'ble the Finance Member : (a) (1) No.

(2) & (3) Recently Babu Ram Gopal has had some statements of witnesses in his court typed by one clerk and recorded in vernacular by another, owing to the fact that he sustained an injury to his right hand as a result of a fall in June last which makes it difficult for him to write with his own hand for a considerable length of time.

(b) A statement is given below :

Name of Act	Pending at the time of appointment as Sub-divisional Officer, Etah	Instituted in his court (Sub-divisional Officer, Etah); up to December, 1932	Total number of judgements in such cases up to December, 1932	Balance
Act III of 1926	61	46	79	*6
Act II of 1901	52	228	240	40

* Excludes 22 cases transferred to other courts for disposal.

BAN ON THE PURCHASE OF GRAIN IN BILAHRI, TAHSIL KHATIMA

***32. Khan Sahib Muhammad Imtiaz Ahmad :** (a) With reference to the answer to question no. 27, dated the 13th June, 1932, will the Government be pleased to state as to why the *banjaras* are not allowed to purchase the grain direct from the tenants and the farmers are compelled to buy the grain from the co-operative shop ?

(b) Is it a fact that the cultivators of Bilahri, tahsil Khatima, are not allowed to have their grain dealings direct with the *banjaras* ?

The Hon'ble the Finance Member : (a) As stated in the answer to question no. 27, dated the 13th June, 1932, there is no compulsion put upon any one either to sell produce to the co-operative shop or to refrain from selling to the *banjaras*. The farmers simply take advantage of the existence of a fair market for their goods.

(b) Does not arise.

*33-35. **Khan Bahadur Muhammad Hadiyar Khan** : [*Postponed at the request of Government.*]

FORGERY BY THE SUPERVISOR QANUNGO OF SADAR
TAHSIL, DISTRICT GHAZIPUR

*36. **Thakur Keshava Chandra Singh** (*absent*) : (1) Is it true that an alleged forgery between June—August, 1932, of a certain document by the supervisor qanungo of Sadar Tahsil, District Ghazipur, has been brought to the notice of the District Magistrate of that district?

(2) If so, has any formal inquiry been made and with what result?

(3) Was the tahsildar or the naib-tahsildar formally examined?

The Hon'ble the Finance Member : (1) The complaint made to the Collector was that a supervisor kanungo entered the name of a mortgagee of a fixed-rate tenant and dishonestly ante-dated his order to defeat the interest of the fixed-rate tenant.

(2) The Collector has held a departmental inquiry and has dismissed the qanungo.

(3) No.

SUB-DIVISIONAL MAGISTRATE, KASHIPUR

*37. **Babu Ram Bahadur Saksena** (*absent*) : (a) What was the number of complaints filed in the court of the Sub-divisional Magistrate, Kashipur, in 1930, 1931 and 1932?

(b) How many of these complaint cases have been dismissed under section 203 of Civil Procedure Code?

(c) What is the number of complaint cases decided finally and on merits by the Sub-divisional Magistrate during these three years?

The Hon'ble the Home Member : The records for the years in question are being searched and a reply will be given later.

*38. **Babu Ram Bahadur Saksena** (*absent*) : (a) Is it a fact that the Sub-divisional Magistrate, Kashipur, held his court in the months of June and July of the year 1932 at his residence in the town and not at the usual court house?

(b) Was he during all these days also hearing the civil cases at his residence?

(c) If so, did he obtain permission of the High Court for hearing these cases at his residence?

The Hon'ble the Home Member : (a) Yes.

(b) Yes.

(c) No permission of the High Court was obtained. The Magistrate acted under the orders of the District Magistrate who gave him permission on account of the unhealthy climate and in particular on account of the unhealthy situation of the Court house. In previous years the Magistrate was allowed to move his court to Naini Tal for three months. This was not allowed last year in the interests of economy.

*39. **Babu Ram Bahadur Saksena** (*absent*) : (a) Was the Sub-divisional Magistrate, Kashipur, on leave for any days in the months of June, July, August and September of 1932?

(b) Is it a fact that during the months of June and July, 1932, the Sub-divisional Magistrate, Kashipur, was ill and was operated upon in his face at several places?

(c) Is it a fact that the civil cases that were postponed during the months of June and July were postponed on the ground that the court had no time to hear the case?

(d) On what grounds were the criminal cases on these dates postponed?

The Hon'ble the Home Member : (a) No.

(b) He had an abscess lanced in July, but was otherwise well.

(c) Yes.

(d) Inquiry is being made.

*40. **Babu Ram Bahadur Saksena** (*absent*) : (a) Is it a fact that the public of Kashipur made representations to the local Government and the Hon'ble High Court to the effect that the Sub-divisional Magistrate, Kashipur, was for a long time ill and was incapable of discharging his duties as a Sub-Divisional Officer? If so, will the Government be pleased to lay a copy of each of them on the table?

(b) Was any inquiry made into the allegations?

The Hon'ble the Home Member : The only representation received by Government was from some Muhammadans of Kashipur, asking that the Sub-divisional Magistrate might not be transferred.

A representation was received by the High Court complaining against the Sub-divisional Magistrate.

A copy is laid on the table. The representation was sent to the District Judge for report. He reported that there was nothing against the Sub-divisional Magistrate except that he was short-sighted. On his suggestion the High Court forwarded a copy of the representation and a copy of the District Judge's report to the District Magistrate for disposal.

(See Appendix F, page 122.)

GRANT-IN-AID TO THE UDERAJ HINDU HIGH SCHOOL, KASHIPUR

*41. **Babu Ram Bahadur Saksena** (*absent*) : Is it a fact that the grant-in-aid of the Uderaj Hindu High School, Kashipur, was suspended? If so, is it a fact that it was suspended only because the school boys had left the school to take part in the social uplift of the depressed classes on the 20th of September, 1932?

The Hon'ble the Minister for Education : Yes. No.

NOMINATION OF BABU BHAWANI SAHAI MATHUR TO THE KASHIPUR MUNICIPAL BOARD

*42. **Babu Ram Bahadur Saksena** (*absent*) : (a) Is it a fact that Babu Bhawani Sahai Mathur, B.A., has been nominated as a member of

Kashipur Municipal Board to represent the retired government servants ?

(b) Is it a fact that this Babu Bhawani Sahai is not a resident of Kashipur and is not entered as an elector in the Kashipur Municipality ?

The Hon'ble the Minister for Local Self-Government : (a) Yes.

(b) Babu Bhawani Sahai has been a resident of Kashipur for the last eleven years. His name was omitted from the electoral roll owing to an oversight.

ADDITION OF A MEMBER TO THE KASHIPUR BENCH OF HONORARY MAGISTRATES

*43. **Babu Ram Bahadur Saksena** (*absent*) : Does the Government contemplate to add a new member to the Kashipur Bench of Honorary Magistrates ?

The Hon'ble the Home Member : No such proposal is at present before Government.

COMPARTMENTAL EXAMINATION IN THE VERNACULAR FINAL EXAMINATIONS

*44. **Babu Ram Bahadur Saksena** (*absent*) : (a) Is the Government aware that the compartmental examinations are not allowed in the vernacular Final Examinations in the Province ?

(b) If so, will the Government be pleased to state why is this distinction being made in cases of those who sit for the Vernacular Final Examination ?

(c) Do the Government intend to take steps to ensure such a concession for Vernacular Final Examination candidates also ?

The Hon'ble the Minister for Education : (a) Yes.

(b) The examination is an elementary one and it is, therefore, unnecessary to conduct it on a compartmental basis. Moreover, the administrative difficulties of adopting the compartmental system in an examination for which there are about 30,000 candidates would be very great.

(c) No.

RESERVATION OF POST OF KOTWALS ON COMMUNAL LINES

*45. **Babu Ram Bahadur Saksena** (*absent*) : Are there any posts of kotwals that are reserved for Hindu or Muslim officers in charge respectively ?

The Hon'ble the Home Member : No.

*46. **Babu Ram Bahadur Saksena** (*absent*) : [*Postponed at the request of Government.*]

SENIORMOST SUB-INSPECTOR OF POLICE AT PILIBHIT

*47. **Babu Ram Bahadur Saksena** (*absent*) : Who is the seniormost sub-inspector of police at Pilibhit, and where is he posted?

The Hon'ble the Home Member : Sub-Inspector Ghulam Muhammad.

Police Station Bisalpur as officer in charge.

LIBRARY OF THE ROORKEE ENGINEERING COLLEGE,

*48. **Babu Ram Bahadur Saksena** (*absent*) : Will the Government be pleased to state the names and original value of books sold by, and to, the library of the Roorkee Engineering College to and by Dr. Phillips respectively before vacating his office, together with the purchase money in each case?

The Hon'ble the Minister for Education : No books were either sold by the library of the Roorkee Engineering College to Dr. Phillips, or were sold by him to the library before vacating his office.

*49. **Khan Bahadur Maulvi Saiyid Habibullah** : [*Postponed at the request of Government.*]

BHARAT SEWA MANDAL, BENARES

*50. **Rai Bahadur Babu Jagadeva Roy** : (1) Do Government know that there is an institution known as "The Bharat Seva Mandal" in Benares started in 1922?

(2) Do Government know that the above institution has been giving physical training to young teachers of municipal and district boards and anglo-vernacular schools every year, without charging any fees?

(3) Do Government know that some 250 young men have already received physical training from the said institution?

(4) Will the Government consider the advisability of utilizing this institution by granting some annual aid and by dispensing with the posts of the physical instructors of the three Training Colleges at Allahabad, Agra and Lucknow?

The Hon'ble the Minister for Education : (1) Yes.

(2) Yes, but it charges an admission fee of Re.1.

(3) Yes.

(4) The suggestion is not feasible.

Rai Bahadur Babu Jagadeva Roy : May I know the answer of the Government about their considering the advisability of utilizing this institution by granting some annual aid?

The Hon'ble the President : The answer is there. "The suggestion is not feasible."

Rai Bahadur Babu Jagadeva Roy : As there are two portions in that question, I want to know the Government's answer about the aid. I want to know whether there is scope for some annual aid.

The Hon'ble the Minister for Education : That does not arise out of this question.

The Hon'ble the President : The honourable member wants to know whether the Government would consider the advisability of utilizing this institution by granting some annual aid.

The Hon'ble the Minister for Education : I have said that the suggestion is not feasible. I have not given reasons, but it is not feasible.

***51. Rai Bahadur Babu Jagadeva Roy :** (1) Have Government stopped the aid which was being given to the Carmichael Library, Benares ?

(2) If so, do Government intend to transfer that amount towards the maintenance of the Bharat Seva Mandal, Benares ?

The Hon'ble the Minister for Education : (1) Yes.

(2) There is nothing to transfer.

***52 and 53. Rai Bahadur Babu Jagadeva Roy :** [*Postponed at the request of Government.*]

RE-DISTRIBUTION OF MUNSHIFSHIP AREAS IN GHAZIPUR

***54. Rai Bahadur Babu Jagadeva Roy :** (1) Are Government aware that a resolution has been unanimously passed by the Bar Association, Ghazipur, the on 17th January, 1933, suggesting a re-distribution in the jurisdiction of the existing three munsifships of Ghazipur, Syedpur, and Muhammadabad in such a way as to make them only two in number and thus cause a substantial saving by retrenching one ?

(2) Are Government prepared to accept the resolution and to give effect to it from the next financial year ?

The Hon'ble the Home Member : (1) A copy of the resolution was received.

(2) Government will consider the question if any recommendation is made by the High Court to whom, it is understood, a copy of the resolution was also sent.

***55. Rai Bahadur Babu Jagadeva Roy :** [*Postponed at the request of Government.*]

UNSTARRED QUESTIONS

CIVIL SECRETARIAT STENOGRAPHERS

1. **Syed Yusuf Ali :** (1) Will the Government please state the number of stenographers in the Civil Secretariat, United Provinces ?

(2) Will the Government please state how many of them are Muhammadans ?

(3) Will the Government please state the manner of their recruitment ?

(4) If by competitive examination, since when this system has been introduced ?

(5) Will the Government please state as to how many appointments were on these posts before the introduction of competitive system, and how many of them were Muhammadans and how many Hindus and Christians?

(6) Will the Government please also state the grade of the Muhammadan stenographers appointed by direct recruitment?

Mr. J. M. Clay : (1) 24.

(2) One.

(3) By a competitive examination.

(4) Since 1922.

(5) Twenty-five as under :

Christians .. 11

Hindus .. 13

Muslims .. 1

(6) Originally recruited to the Rs.150—10—200 grade. Since promoted to the grade of Rs.220—10—350.

MUNSRIMS OF JUDGES' COURTS

2. **Syed Yusuf Ali :** (1) Will the Government please state how many munsarims of Judges' courts are there in the whole of the United Provinces and how many of them are Hindus, Muhammadans, and Christians?

(2) Has the Government any intention to improve the proportion on the side of deficiency? If so, is the Government prepared to issue directions to the recruiting officers to that effect?

Mr. J. R. W. Bennett : The munsarim is only the senior officer of the Judge's *amla*, and since he is promoted from that *amla* on his merits, Government could not undertake to see that in his case there is adequate representation of any community. The main consideration must be to secure that there is no undue preponderance of any community in the *amla* as a whole, and Government are calling for figures which will show what is the actual communal constitution of the *amla* in each judgeship of the Province.

REPRESENTATION OF DIFFERENT COMMUNITIES IN THE EDUCATION SERVICE

3. **Syed Yusuf Ali :** (1) What is the number of principals in all the Government colleges in the whole of the United Provinces? How many of them are Hindus and how many are Muhammadans?

(2) What is the number of vice-principals in all the Government colleges in the United Provinces? How many of them are Hindus and how many are Muhammadans?

(3) What is the number of head masters of Government high schools in the United Provinces? How many are Hindus and how many Muhammadans?

Mr. P. M. Kharegat : (1) Eight ; seven Hindus and one Muslim.

(2) Seven ; five Hindus and two Muslims.

(3) Forty-eight ; forty-four Hindus and two Muslims.

4. **Syed Yusuf Ali :** What is the strength of staff of training colleges in the United Provinces ? How many of them are Hindus, Muhammadans and Christians ?

Mr. P. M. Kharegat :

Training College	Gazetted staff	Hindus	Muslims	Christians
Allahabad ..	8	6	1	1
Lucknow ..	6	5	Nil.	1
Agra ..	7	6	Nil.	1

5. **Syed Yusuf Ali :** What is the strength of the office staff of the Director of Public Instruction ? What is the number of Hindus, Muhammadans and Christians in it ?

Mr. P. M. Kharegat : Sixty-five ; 43 Hindus, 18 Muhammadans, and 4 Christians.

6. **Syed Yusuf Ali :** How many Muhammadans having European (English) qualifications were admitted in service by the United Provinces Education Department during the last twelve years ? What was the grade of service they were admitted in ? Are they still serving in the same grade of service ?

Mr. P. M. Kharegat :

Number of persons admitted	Grade of service on admission	Grade of service held at present
One ..	S. E. S.	S. E. S.
Two ..	U. P. E. S. (Women's branch).	U. P. E. S. (Women's branch).

7. **Syed Yusuf Ali :** How many Hindus having English qualifications were admitted in service by the United Provinces Education Department during the last twelve years ? What was the grade of service they were admitted in ? How many of them are still in the same grade of service ?

Mr. P. M. Kharegat :

Number of persons admitted	Grade of service on admission	Grade of service held at present
Two ..	S. E. S.	S. E. S.
Three ..	U. P. E. S.	U. P. E. S.
One ..	U. P. E. S. (Women's branch).	U. (Wo
One ..	S. E. S. (Women's branch).	U. (Wo
Two ..	I. E. S.	
Two ..	Professors, Thomas College, Roorkee	
Three ..	Lecturers, Thomas College, Roorkee.	

RESOLUTION *RE* USE OF DEVANAGRI OR URDU SCRIPT IN COURTS

Pandit Joti Prasad Upadhyaya : I beg to move -

"That this Council recommends to the Government that (1) certified copies of all vernacular records and documents may be supplied to applicants according to their desire either in Devanagri or Urdu script and (2) the presiding officers of all courts should be at liberty to write the proceedings of courts either in Devanagri or Urdu script as they like.

It is a fact which, I think, would be admitted by all that Urdu and Hindi, both of them, are the recognized vernaculars of these Provinces. There are people in these Provinces who speak both languages. The resolution, it may not be doubted, does not in the least intend to mar the claims of either of the two languages. It is only intended to recognize the equal claims of the two languages which are the lingua franca of these Provinces. It is true that up to now all documents in courts have been prepared in Urdu and some difficulty might be experienced by the officials of courts in making a change and getting them prepared in the other script, namely Devanagri, for the copies being supplied to the members of the public who want them. But this difficulty is not a very serious one, and with a little sacrifice plenty of men can be found out for service who can do this work very satisfactorily in order to satisfy the public. The main reason why this change is required is the fact that in many of the districts of these Provinces while Urdu is spoken by many people, Hindi is also the spoken and written language of a majority of the people in certain other districts. It is, therefore, necessary that the difficulty of the people, specially of those who are living in rural areas, should be removed and they should be supplied copies of all court documents in Devanagri characters if they so desire. This will not hurt anybody's feelings and this will not give any additional trouble, I dare say, to the officers of the Government, because after all they have to employ a very elaborate staff in the copying department for making copies of the documents that are desired by the applicants.

It is a commonplace matter—and it must have come to the knowledge of many honourable members of this House—that when a copy of a document is written in Urdu characters and given to a villager, he has to go from door to door in order to get it read. This happens in many districts where Urdu is not either the spoken or the written language. One has to run from house to house and from man to man until he finds a person who knows Urdu, and he with great delicacy reads it and probably also charges some fee for it. It is also a fact that there is a genuine desire—I emphasize the word genuine—on the part of a large number of people in these Provinces that it should be made optional for them to have copies of documents either in Devanagri or in Urdu script as they like. I think this fact is known not only to the honourable members who are present here today in a representative capacity but also to all the important officials sitting to the right that the need for the change asked for is genuine and that it is badly wanted by the people. This is the first part of the resolution. The second part of the resolution asks the

Government to make it optional also for presiding officers of courts to write the proceedings of their courts either in Devanagari or Urdu script according to their choice. I do not think there can be much dispute about this point, because so far as I remember Government has already said more than once—evidence of which will be found in the proceedings of the Legislative Council—that they have no objection to documents, applications, and other papers written in either of the two languages being filed in courts. I therefore do not think that there can be any objection to presiding officers writing their judgments and proceedings of the courts in Devanagari. This is a very necessary change and should, without any opposition from Government, be accepted. The one main reason for which it is necessary is that some or at least half of the officers, both Hindus and Muslims—I do not want to differentiate between them—are persons, who from the very start of their education have been taught Hindi and have therefore, got greater mastery and command over Hindi than over Urdu. If they were given a choice—I do not think it will in any way jeopardize the work of the courts—they would prefer to write statements of witnesses in Hindi script as it would make their task easier, and they would be able to do it more satisfactorily, which will be not only in their own interest but also in the public interest. I would, therefore, request the honourable members to accept this resolution as it is of a most innocent nature and the need for the change, as I have just shown, is very genuine.

The Hon'ble the Finance Member : Sir, this resolution, to a certain extent, concerns both my honourable colleague the Home Member and myself, as he is connected with some of the courts concerned and I with others. The first point I would like to make clear is that there is absolutely nothing whatsoever to prevent the presiding officer of any court writing in either Devanagari or Urdu, or, for that matter, in romanized Urdu, if he likes. It is entirely in his own discretion, and as a matter of actual fact there are quite a number of them who write in Devanagari. I suppose practically all courts in the hills and a considerable number of honorary magistrates and honorary collectors do it.

Pandit Joti Prasad Upadhyaya : Have the Government any objection ?

The Hon'ble the President : Order, order.

The Hon'ble the Finance Member : If the question that was interrupted was "Whether Government have any objection to that," the obvious reply is "No," else they would not allow it.

Then comes the question of copies. That is distinctly more difficult. As I understand the honourable member, what he would like is that a copy of an Urdu document should, if desired, be made in Devanagari. Well that sounds very simple and might as well again be extended to Romanized Urdu, which lots of officers would prefer. But the difficulty is it would not be a copy, and could not be certified as a copy ; that would be a transliteration. A copy has got to be an exact replica of what was written. The honourable mover said that

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nobody's feelings need be hurt if Devanagri copies were given of Urdu documents. I can tell him one person whose feelings would be hurt, and that is the applicant's—when he found that he could not file it in a court. If the copy is for his personal use, and not for filing in court, then—though, of course, it depends on the Hon'ble the Home Member's views—I do not see any particular harm in accommodating him, but it cannot be filed in a court because it is not a copy, it is purely a transliteration. We might as well transliterate it into Greek or Hebrew.

The Hon'ble the Home Member : Sir, as was just explained by the Hon'ble the Finance Member both of us are concerned with this resolution. Of course my speech will be a repetition of what has been said by my honourable colleague. I agree it would not be a copy if it is not in the same script. The very word "copy" implies that it should be in the same script. As we all know, in vernacular we generally say "*naqal mutabiq asal*." This is a very well-known proverbial phrase in Hindustani. It would not be *naqal mutabiq asal* if it is not in the same script.

Then there is one other thing. The majority of patwari papers are in Devanagri. Suppose if people start asking for copies of these papers in Urdu, what will happen? Just imagine what a tremendous amount of work it will involve in every tahsil to convert Devanagri patwari papers into Urdu and Urdu documents into Devanagri.

Then there is one other thing which might sound rather far-fetched. But as you are members of the Legislature, it is for you to make laws for your province, and I think it is up to you to consider such far-reaching results. Suppose there is a Devanagri record. Naturally it contains many words of Sanskrit and it has to be put into the Urdu character. Many Sanskrit words will be such that after 20 years, when this real document will be weeded out and only the certified copy will remain, nobody will be able to make head or tail of these Sanskrit words written in Urdu script. Similarly, in Urdu there are Persian and Arabic words. When written in Devanagri characters and when the original document is no more in existence, I think it is quite possible that quite a new meaning may be put to it by the intelligence of the lawyer and it may cause a lot of difficulty. These are the reasons why, I think, that the first part of the resolution is not acceptable and should not be accepted by the honourable members of this House. Here I may mention that there are certain parts of these Provinces where all documents whatsoever are written in Devanagri—for instance, all the hill tracts. All documents there are written in Devanagri and not Urdu, and just imagine if somebody went to Naini Tal or Garhwal and asked that he wanted a copy of such and such a document in Urdu—just imagine the difficulty of the officers there where it will be really difficult to get a man who can translate the documents from Devanagri into Urdu. On the other hand, on the plains I doubt really whether my honourable friend was sticking to facts when he said that there are places where it is difficult to find

anybody who can decipher Urdu characters. I think there is no village now where literacy has not reached so far that a man who can read Urdu cannot be found. As to the second part of the question, there is no bar against any person—they are free to write if they like in Devanagri or Urdu. I know myself there are many courts in the plains who write their judgments in Devanagri. There are others who write in Urdu, but most of them write neither in Urdu nor Devanagri, but in English. Anyhow, as far as Government is concerned there is no bar to writing their judgments in Devanagri or Urdu. I think the honourable member will be satisfied that there is no need to press the resolution to a division.

Pandit Joti Prasad Upadhyaya : I am really, Sir, wondering why there is so much inactivity in this House with regard to this very innocent resolution. I cannot imagine how the honourable members will be able, when their turn of membership is over, to explain to their constituents that they were not able to support even an innocent resolution like this. I cannot possibly imagine at the same time why the honourable members, especially the elected members, should not express an opinion on this important resolution either this way or that way.

Sheikh Muhammad Habibullah : Is this a vote-catching device ?

Pandit Joti Prasad Upadhyaya : No. I do not think so. All this, Sir, is a little surprising to me. I am very much satisfied with the remarks that have been made on the merits of this resolution by the Hon'ble the Finance Member and his attitude towards the resolution was nothing but admirable. I would say a few words more. Sir, I will make a few observations with regard to the speech that has been made by the Hon'ble the Home Member in this connexion. I was really surprised that the Hon'ble the Home Member, without being a lawyer, could use the arguments of a lawyer. He, for instance, pointed out to us that people will be in great difficulty with regard to such copies, that is to say, if copies of Urdu documents were supplied to them written out in Devanagri characters. Well, Sir, the question whether such a copy would be admissible in evidence in a court of law in its proceedings may be decided later on. I am not particularly anxious now about the matter whether such a copy would be admitted in evidence, but supposing it is so, a particular individual or a member of the public wishes to obtain a copy of an Urdu document in the Devanagri characters, I see no reason why it should not be supplied to him. Let him have it and let him keep it at his own house. Let it not be admitted in evidence in a court of law. That is the question which the courts will decide—either the High Court or the Chief Court will decide whether such copies would be admissible in evidence. But if a particular applicant wishes to obtain a copy of an Urdu document in Devanagri characters, I see no reason why it should not be supplied to him, and I would request the Hon'ble the Home Member to accept this part of the resolution with this reservation which I have just placed before the House. Now, Sir, another difficulty which was so ably pointed out by the Hon'ble the Home Member was that there will be too many Arabic and Persian words

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in an Urdu document and too many Sanskrit words in a Hindi document to enable the copying departments to copy them correctly, and this would create difficulties some time after when those documents are going to be deciphered in a court of law after some lapse of time. Well, Sir, as far as I am aware, the usually spoken and written language of the people, whether Hindus or Muhammadans, in this Province is ordinary Hindustani. It is not Sanskritized Hindi, nor is it Persianized Urdu. It has, moreover, been the tendency of courts to direct, while judgments are being given, to make them as simple as possible and not to use too many Persian words which are, no doubt, often used by scribes while writing documents. Many Sanskrit words are not used in the ordinary Hindi and too many Persian words too are not used in Urdu which are spoken by the people, and this difficulty will probably never arise. I can assure the Hon'ble the Home Member that such a situation of wrongly deciphering these documents on this ground will probably never arise.

For these reasons, Sir, I would still commend the resolution for the acceptance of the House.

The Hon'ble the Home Member : Sir, I have nothing to add except to draw the attention of honourable members to this, that the mover himself admits that it is a doubtful question whether certified copies obtained in this way will be admissible in evidence in courts of law. When he himself has such a doubt, the only submission I wish to make is : is it right for the House to support a proposal about which they are themselves doubtful? They are the Legislature, they are to decide the fate of the province and the country ; is it right for them to take a step of which they are not themselves sure? I hope, Sir, that they would not do so, and I submit that they should not do so.

The Hon'ble the President : I think it is better for me to put the resolution in two parts. The resolution is—

“That this Council recommends to the Government that (1) certified copies of all vernacular records and documents may be supplied to applicants according to their desire either in Devanagari or Urdu script ; and (2) the presiding officers of all courts should be at liberty to write the proceedings of courts either in Devanagari or Urdu script as they like.”

I will put the second part first. The question is—

“That this Council recommends to the Government that the presiding officers of all courts should be at liberty to write the proceedings of courts either in Devanagari or Urdu script as they like.”

The question was put and agreed to.

The Hon'ble the President : I will put the first part now. The question is—

“That this Council recommends to the Government that certified copies of all vernacular records and documents may be supplied to applicants according to their desire either in Devanagari or Urdu script.”

The question was put and negatived.

RESOLUTION *re* CURRICULUM FOR THE EDUCATION OF GIRLS

***Rai Bahadur Thakur Hanuman Singh :** Sir, I beg to move :

That this Council recommends to the Government that it may be pleased to suggest to the Board of Intermediate and High School Education that after a certain standard girls may be enabled to pass the Board examinations in languages only.

It is a well known fact that female education in these provinces is very very backward. For this reason it is most desirable that everything should be done to encourage this education and to give the girls facilities to pass examinations. It is an admitted fact that on account of an ancient custom, however bad it might be, girls are married very early. Before they reach the Entrance Class their marriage is usually celebrated, and they are sent away to their husbands. After that their education ceases. In the case of girls who are married and who have to perform domestic duties, knowledge of subjects such as science, mathematics, etc. which are taught in schools and colleges, becomes useless. It is only the languages which prove useful to them, and it is for this reason that I have suggested in my resolution that girls, after passing, say, the VI Class examination, should be allowed to take up their studies in languages only and acquire efficiency in them. Of course those girls who wish to take up the profession of teaching or any other vocation may take up all the subjects which are taught at present in schools. But those girls who have no mind to enter service or to get into a profession should be allowed to pass their examinations in languages only after the VI Class or any other class which the Board may think fit. Everybody knows that a large number of girls do not appear in examinations which are under the control of the Board of High School and Intermediate Education.

They appear in the examinations which are held by the Hindu University, because that University allows them to pass examinations in languages only. I hope the honourable members will support me and impress upon the Government the necessity of suggesting to the Board that it may consider to bring about a change which will be more beneficial to the womenfolk in respect of their education and which will give an impetus to the girls' education in these provinces.

Rai Bahadur Babu Jagadeva Roy : Sir, I support the resolution wholeheartedly, although I should say here that the resolution, as it stands, would have been much better if we had got the words instead of "languages" "one of the subjects" or "one subject." My reasons are . . .

Khan Bahadur Saiyid Jafer Hosain : Why not move an amendment?

Rai Bahadur Babu Jagadeva Roy : Sir, may I move an amendment?

The Hon'ble the President : If the honourable member will move an amendment now, I will put it to the House.

Rai Bahadur Babu Jagadeva Roy : I want an amendment like this—
"That this Council recommends to the Government that it may be

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pleased to suggest to the Board of Intermediate and High School Education that after a certain standard girls may be enabled to pass the Board examination in one subject only."

The Hon'ble the President : Is there any objection to this amendment being moved ?

(No objection was raised.)

There is none ; it may be moved.

Rai Bahadur Babu Jagadeva Roy : At present it is well known that there are various subjects prescribed for the High School examinations or the Intermediate examination or the Vernacular School examination. So it becomes necessary and compulsory for a student to pass his examination in all those subjects. Now the reasons which are assigned to take into consideration the girls' education in an exceptional way have already been dealt with by my learned friend, the previous speaker. I am of opinion that if an option be given to a girl student to take only one of the subjects, then the results will be that there will be much more facility for the girl student and whatever she will be acquiring that will be a sort of specializing herself in that particular branch. Therefore it will be open to the girl student to have her own choice of the language subject or Mathematics or any other subject. The result of this will be certainly to promote girls' education on a much larger scale. This will further facilitate a girl student to go up for high examinations and to be proficient for the purpose of teaching as well. For instance, when there is a vacancy for teaching one particular subject, in that case the girl student may prove herself quite fit.

I would, therefore, say that it is very much desirable and necessary that an option like this should be given in the case of girls students. Besides this, there does not seem to be any objection from any other point of view. It cannot be said that a girl student passing a certain standard of examination by taking only one subject cannot be considered fit to be the tutoress of a certain school, because we find an institution consists of several teachers ; so if there will be specialization of subjects, the result will be that a teacher will be appointed who will teach, suppose Mathematics, from the top to bottom. In this way an arrangement can efficiently be made. For these reasons I move that this resolution be accepted by the honourable House.

Mr. E. Ahmad Shah : I would like to make a few observations first on the speech of the honourable member who has just spoken. He has placed before the House an amendment to the effect that in place of "languages" girls may be allowed to appear in the Board of Intermediate and High School examination in "one subject only." Whatever the merits of the original resolution were, in my opinion they have been altogether overthrown by this amendment. It is claimed that the girls will be able to specialize in one subject. What degree of specialization can we expect from a girl who has only passed the sixth standard examination and studies only one of the subjects.

of the Board. The question of specialization can only arise after the University examination. Honourable members of this House are well aware of this fact. After this stage is reached, then in whatever subjects he or she may like can specialize with benefit to himself or herself and to others. But if the proposition is as it has been put by the honourable member, who has just spoken, that permission should be given to girls to appear in only one subject, with a view to specialization, it will never and can never produce the desired specialization. On the other hand, there will be no education imparted to the girls if this course is adopted.

Coming to the original proposition. I would like to make the following submission. In the first place, there is already a provision in the Board's examination for those persons who want to qualify themselves in languages and also entitle themselves to the diplomas of the Board. That provision is given to those scholars who definitely go in for vernacular education, particularly in classical languages. These people specialize themselves in those languages and then the Board provides for them to appear in the Board's examination in one language, i.e. English. If they succeed in that one subject (English), they are given the certificate of High School examination. After this they are allowed to appear at the Intermediate examination in one subject again, namely, English. Therefore the provision to appear in a language is already there.

Khan Bahadur Syed Jafer Hosain : Restricted only to English.

Mr. E. Ahmad Shah : Yes, it is open to those students who are entering upon a course of studies in the vernaculars, particularly the classical languages. Now coming to the resolution as it is, I would like to submit, Sir, that there are two points mentioned by the honourable member in support of his resolution. The first point was the general position of the education of women in our provinces. He suggested, and rightly too, that it is backward. I should say it is *very* backward. We need not give the percentages here because percentages are too well-known from previous discussions on this subject. But I should like to submit, Sir, that while the education of girls is backward, the acceptance of this resolution will not only add to the backwardness of the education but it would add to the weakness of female education. There is a department which looks after the education of girls, and the representatives of that department sit side by side in the Board which looks after the policy of education, both for boys and girls. The suggestion of this department, year after year, is that girls' education should in no way be made different and as such inferior to boys' education. They definitely stand on equality of treatment and demand it. If this is the representation from the point of view of the department looking after the female education, we are not justifiable in accepting the resolution. Allow me, Sir, to bring to the knowledge of the honourable members the general opinion as it is expressed by women. We are all aware that there is the Women's Constituent Conference organized all over India. It has its provincial branches and local branches. I can very emphatically present this, because they have said it in unmistakeable terms that women demand

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equal education. They are not an official body. If some members think that only the official representation is for equality of treatment in the education of girls. It is not so. Non-official opinion is also in favour of it. If you put the two opinions before yourself, the only natural and reasonable conclusion seems to be that we should not weaken female education in any manner by putting such suggestions that girls should be allowed to appear in languages only. True education is a co-ordination of different subjects. Language no doubt plays a cardinal part, but along with language you must have some other subjects so as to impart a broad and comprehensive education. Therefore in my opinion, on the plea of backwardness of female education, the resolution should not be accepted.

Another point that was urged by the honourable mover of this resolution was that girls are married early. Therefore facilities should be given to them to get as much as they can before their marriage. I would like to suggest humbly that early marriage should not be a plea for debarring girls from the full education which they should be given. On the other hand the opinion all round there as well as outside this House is that early marriage should be put a stop to as soon as possible. We should put our foot against a custom which is not only injurious but pernicious. In view of these remarks, Sir, I oppose the resolution because it is not at all feasible in promoting the cause of education for girls.

The Hon'ble the Minister for Education : When I saw the resolution first I did not understand what it meant. I thought that it meant that girls who have passed some kind of public examination, for example the Vernacular Middle or Upper Middle, should be allowed to appear in the Board's examinations in a language only. But, Sir, I think, the honourable mover of the resolution has now made his meaning clear, and he goes a good deal further. He wants that girls should be allowed to appear in the Board's examination in one subject only and get the diploma for the entire examination.

Rai Bahadur Thakur Hanuman Singh : After a certain standard.

The Hon'ble the Minister for Education : Well, there are two examinations run by the Board. They are the High School and the Intermediate. So, the honourable mover means that girls should appear in these examinations in one subject only and get the full certificate. Well, Sir, I will not pretend here to pose as an educational expert. I do not know whether the "be all" and "end all" of education is the passing of examinations, specially in the school stages. I think the main object of education is acquisition of knowledge, and if various subjects have been specified for study by students, whether they are males or females, it is not without a definite object. We have the Intermediate Board, which is an expert body consisting of educationists and others. They have doubtless studied the matter, and they understand what they are doing.

Rai Bahadur Babu Vikramajit Singh : Are there any lady members on this Board ?

The Hon'ble the Minister for Education : There are three, I think, just now. I do not know, if a girl who after having studied up to the sixth class gives up all her other subjects, and devotes herself to one subject only would be regarded as truly educated. We know, Sir, that the standard of sixth class is very low, and it strikes me as a layman that it is too early to start specialization at that stage. It has not been done by any country in the world. A school is intended to give a thorough grounding to its pupils in various subjects which help them to acquire a general knowledge of things. If we have a girl studying only a language, she might find herself in great difficulty in locating the Himalaya mountains.

Rai Bahadur Thakur Hanuman Singh : Do they require to know that ?

The Hon'ble the Minister for Education : I do not know whether we would regard a person educated if he or she did not know where exactly the Himalaya mountain is or where the highest peak is.

Rai Bahadur Thakur Hanuman Singh : Does the Hon'ble the Minister know where all the mountains are ?

The Hon'ble the Minister for Education : I did not quite understand.

Rai Bahadur Thakur Hanuman Singh : Does the Hon'ble the Minister know where all the mountains are ?

The Hon'ble the Minister for Education : No, he does not know but I am sure the honourable mover does. I am only mentioning that these are the things which every person ought to know in a general way. It is for this reason that you have these various subjects prescribed in the course of studies. I do not think, Sir, that in the school curriculum we have anything superfluous. The entire idea of school education is to give a grounding in subjects which will help the pupil to get on in his or her after-life. Unfortunately we attach too great an importance to the passing of examinations. There are hundreds of schools in England—specially girls' schools—which do not prepare their pupils for any examination, and they teach a lot of subjects with the result that if you take an average girl educated in one of these schools in England, you will find her breadth of knowledge very great indeed. The meaning of education is that. It is not the capacity to be able to write one language. Now turning to the amendment of my friend Rai Bahadur Babu Jagadeva Roy I think that makes the matter still worse and I am very glad that my friend the member for the Christian community has pointed this out. Supposing a girl who has read up to the sixth class, which is the standard laid down by both the speakers, were to take up history as one of her subjects. I am sure she would not be able to understand any book on the subject or reproduce her ideas in a language which might be called reasonably correct or grammatical. Frankly, Sir, I am inclined to think that the resolution moved here is not a practical proposition. But, Sir, I would not like to lay down a dictum. The whole matter is within the purview of the Board of Intermediate Education which is a statutory body and on which educationists, women and all other interests are

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well represented, and it is for them to say whether any proposal like this is workable or not. I might mention here that the Intermediate Board has from time to time given thought to this matter and has already made several concessions in favour of girls and also in favour of boys who have passed certain examinations : for example, any candidate who has passed either a public examination in Sanskrit or Persian or Arabic or the examination in advanced Urdu and Hindi or an examination in Urdu or Hindi conducted by the Oriental Faculty of the Punjab University is eligible to appear as a private candidate at the High School Examination in English only. Then, Sir, girls who have passed the Upper Middle examination are admitted as private candidates to the High School examination in English only. Then, Sir, girls who have passed the High School examination may in a subsequent year appear at the High School examination in Sanskrit only or in Arabic only or in Persian only. Then, Sir, candidates who have passed the High School examination in English only are eligible to appear subsequently at the Intermediate examination in English only. Then again, candidates who have passed the Intermediate examination may in a subsequent year appear at the Intermediate examination in a language only. I hope the House will see from this that the Intermediate Board has not been oblivious of the idea underlying this resolution and I would suggest to the House not to fetter the discretion of the Board in this matter. They are after all an autonomous body and I think it is not desirable or even proper for this Council or for the Government to interfere. We have entrusted the entire question of secondary education to them and so long as we do not regard them as neglecting a duty, we should not interfere with what is entirely their concern.

Rai Bahadur Babu Vikramajit Singh : Sir, I regret I cannot agree with my honourable friend Rai Bahadur Thakur Hanuman Singh about the advisability of this resolution, though I must confess that I could not appreciate the last argument of the Hon'ble Minister that the Intermediate Board is an autonomous body and we should not send our recommendation to that Board if we thought that we were in the right and that it was necessary to bring a certain matter to their notice for their consideration. There are a lot of questions which are discussed in this House every day, although most of them do not pertain to us and they have, as a matter of fact, to be dealt with by various other bodies which are statutory bodies and we do send our recommendations to those bodies. Therefore if we feel justified in thinking that a resolution was a proper one, we would not hesitate in sending it on to the Intermediate Board.

The Hon'ble the Minister for Education : May I give a personal explanation? What I meant was this that in a matter like this which is a matter for experts we should not interfere with their discretion. They are educationists and they know best what to do in things like this.

Rai Bahadur Babu Vikramajit Singh : Sir, I again beg to differ on this point from the Hon'ble Minister, because a number of members

of this Council are also members of that Board. Therefore we consider ourselves experts in this matter to the same extent as members of the Intermediate Board who have been returned there by universities and other bodies and there is no reason why we should consider that we have not the capacity or capability to give our opinion in the matter.

However, now looking to the resolution itself, I am not aware if any of the women's associations have made a request for changing the curriculum of girls. I do not know how this resolution has originated, because the only lady member of this House—and whom we have the honour to have in our party—has told me that they do not agree to a resolution of this kind, as it will give a stamp of inferiority to the education of girls. It therefore appears that there is no desire on the part of women to have the curriculum of girls changed. Now, Sir, if the idea is to give education to the girls merely in languages, why should any body desire that they must possess a university degree. There is nothing to prevent anybody from giving education in languages only in unrecognized institutions or in any other manner.

Rai Bahadur Thakur Hanuman Singh : Where are they ?

Rai Bahadur Babu Vikramajit Singh : Well, I cannot tell you at the spur of the moment, but I should think that there are a number of such institutions which impart education in languages only. We can easily find institutions where some kind of education in Hindi could be given, where education in Sanskrit or Arabic or Persian or Urdu could be given. There are so many institutions of this nature in the province.

Rai Bahadur Thakur Hanuman Singh : Will you name any of them?

Rai Bahadur Babu Vikramajit Singh : Well, so far as Hindi or Sanskrit are concerned, I think I can point out that there are a number of them both in Cawnpore and Benares. The idea is that if they want to have degrees of the same kind as the boys, they must have the same kind of education. The resolution that has been tabled also appears to be highly vague. It says that "after a certain standard girls may be enabled to pass the Board examinations in languages only." There are only two examinations held by the Board of Intermediate and High School Education, viz., the High School and the Intermediate, and there will be any number of difficulties in giving girls diplomas merely after passing an examination in languages only. If they want to prosecute their studies further in B.A. and M.A., is it intended that the University should also modify its curriculum for the girls ?

Rai Bahadur Thakur Hanuman Singh : Universities can coach them in only one subject.

The Hon'ble the President : May I point out that the honourable mover has got a right to reply.

Rai Bahadur Babu Vikramajit Singh : I do not agree with the honourable mover when he says that the University can coach them only in one subject in B.A. There is more than one subject in B.A. and I do not think that the University will be prepared to modify

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its curriculum. In any case the resolution does not suggest that any recommendation should be made to the university to modify their curriculum. I do think that the present curriculum for both the examinations—high school as well as intermediate—is heavy indeed. It is heavy for boys as well as for girls and I should be very glad if the Board or the Government will be able to take up the question of revising it in order to modify it and make it lighter for both the examinations. But I do not see any reason why any different method or line should be adopted in giving education to the girls. The girls do not want it themselves and it does not appear that there is any real necessity for changing the curriculum. Many difficulties will crop up if a resolution of this kind is adopted. I do not know if a question like that was ever placed before the Board to change the curriculum for girls only. Therefore to my mind it appears that this resolution ought not to be accepted by the House, as the present examinations which are held both for boys and girls seem to be suitable with the only exception that the curriculum is in every case heavy.

I might also point out one thing more that so far as I can judge the intelligence of the boys and girls I do not think that girls are less intelligent than boys. I have found better memory and better intelligence in many cases in girls than in boys, and therefore there does not appear to be any necessity for considering the question of reducing the curriculum of girls only.

Mr. Brijnandan Lal : Although I do not want to express any opinion on the main proposition, I am entirely opposed to the amendment of Rai Bahadur Sahib. His amendment reminds me of an American doctor who told me that he was a doctor of Midsummer Night's Dream. I cannot understand girls passing matriculation or intermediate only in mathematics or in geography or in history.

Matriculates only in the Moghul period or the Hindu period does not mean anything. That is not encouraging girls' education, that is debarring girls from getting education. I think the best suggestion to adopt is the one made by Rai Bahadur Babu Vikramajit Singh—that is we should be guided in this matter by the only lady member of this Council who is a great advocate of the cause of women. I hope we shall have the benefit of her views on this question.

Munshi Gajadhar Prasad : While conceding that every facility ought to be afforded to the girls for proper education, I am sorry I cannot see eye to eye with the mover of this resolution. The resolution makes a tacit assumption that the girls are not in a position to cope with the present curriculum of studies of the High School and Intermediate Education Board and a concession ought to be made in their favour. I know of girls in the Intermediate Colleges and in the University who compete successfully with boys and not only as far as the University studies but even with regards to sports. I may mention, Sir, that in our own High Court at Allahabad we have lady advocates who secured fairly high marks in the examination of law

in which they appeared. This resolution would have been all right if moved thirty years ago. I think it is an anachronism in these days. If people are anxious that some education should be given to their girls in languages only, they are quite welcome to it, but if they at the same time want that their girls ought to have the hall mark of the Intermediate Board or University they must be ready to send their girls to compete with boys. The girls, as has been pointed out by Rai Bahadur Babu Vikramajit Singh, have an advocate of theirs in this Council and Mr. Brijnandan Lal who just preceded me was pleased to remark that we would very much like to have her views on the subject. Now, Sir, there is one thing more to which I would draw attention of this House and that is this, that by framing a curriculum any body, be it statutory or otherwise, cannot take the special claims of any class of people into consideration. Because uniformity of practice has got to be maintained and it is not possible to suggest one particular kind of paper for one set of students and another for another set. Unless we concede, as I said at the beginning of my speech, that the girls are inferior, or in other words, are not in a position to cope with boys. Since that proposition has not been established and is a doubtful proposition, I would like to reserve my comment after the learned lady, who is a member of this Council has expressed her views on the subject.

The Hon'ble the President : Then it will be too late for the honourable member to make any comments. He cannot speak twice.

Mrs. Kailash Srivastava : Sir, I have nothing to speak, really on the subject. All that is required has been said. But certainly I am not in favour of the resolution, as it clearly shows up the women's weaknesses. I am sure women are not weaker in any way. When we are going to climb with the men step by step we must keep pace with them, and only languages as a course of study is not the thing which women require. Later on in service and business and in other things they will require all the subjects. Of course I can understand that the curriculum is rather heavy. It should be made easier for everybody, for boys as well as girls, but I do not want this to be done for girls alone.

*** Rai Bahadur Thakur Hanuman Singh :** Sir, all those honourable members who have opposed the resolution have lost sight of the fact that the resolution does not want that all the girls who are receiving education or who hereafter will be receiving education should appear in languages only. The resolution asked that those girls who want to pass their examination after a certain stage in languages only should be permitted to appear in examinations in those languages. By this I do not mean to say that the girls are weaker in intelligence than boys. I maintain that generally the girls are more intelligent than boys. But considering the pernicious customs as are prevailing in the country and early marriages the girls who do not desire to take up any profession after passing their examination should be allowed to pass their examination in languages only. This point perhaps not in the mind of the honourable opposers of the resolution. I remember very much Sir, that I was inattentive when you put to the

Rai Bahadur Thakur Hanuman Singh]

whether the amendment of Rai Bahadur Babu Jag deva Roy should be allowed or not, and in a second it was allowed. That amendment Sir, if allowed makes the resolution worthless. Mr. Ahmad Shah has pointed out to the House the case of those students who received their education in classics. Their case is quite different from the case of the girls who are receiving education, or who hereafter may be receiving education in languages only. I do not agree with those who have said that if the girls are allowed to pass their examination in languages only that will weaken the education of the girls and will make the girls inferior.

Inferiority or superiority will depend upon the position which the women of India will occupy hereafter. At present, however, they are considered to be generally inferior and they will remain so for some time to come unless. . . .

Shaikh Muhammad Habibullah : In what way ?

Rai Bahadur Thakur Hanuman Singh : In a good many ways.

The Hon'ble the President : With that we are not concerned here.

*** Rai Bahadur Thakur Hanuman Singh :** Early marriage and purdah are stumbling blocks in the way of female education ; so it is very very necessary that before the girls are married or before they attain a certain age after which they are not allowed to appear in public they should be given some groundings in the languages so that they may be tutoresses of their children and help the families where they may go after their marriage in respect of education. Are there members in this House who are unaware of the fact that when an educated, or I may say a literate, girls comes into a family after marriage and if she takes up the education of other females, the status of the women of that family rises and they become more intelligent.

Rai Bahadur Babu Vikramajit Singh : Is any diploma wanted for that ?

*** Rai Bahadur Thakur Hanuman Singh :** No, I do not say that. Those who want a diploma may take up all the subjects. My resolution does not provide for any bar to their taking up all the subjects. It only says that those who do not want to read other subjects should be allowed to do so. The Hon'ble Minister has too often referred to the education of women in England. I have to tell him, Sir, that India has not yet become England. We have to think out plans to improve ourselves according to the circumstances in which we are placed. If we wish to copy England in all respects, then we will be very much disappointed and our success will not be such as we wish to attain.

The resolution does not purposely provide from what stage of their education the girls should be allowed to take languages only for their examinations. That point should be left to the Intermediate Board to decide, as it consists of experts, and their opinion will be

* Speech not revised by the honourable member.

much better than that of laymen like most of us. The adoption of a resolution like this, I am sure, will not in any way affect the girls' education in these provinces. I am certain that it will give an impetus to it, with the result that in course of time we will find more educated ladies in our families than at present. But if we attempt to teach every girl all possible subjects, she will be able to acquire a very meagre knowledge of each, which will be of no use to her in her after-life.

The Hon'ble the Minister for Education : I do not wish to say very much more on this subject. I think the House understands fully the harm which might be done to the cause of female education if such a resolution were to be accepted. I wish however to emphasise one point which I made in my first speech. The object of education is not the mere passing of examinations. If that were the object, I could tell honourable members numerous institutions from where they could get bogus diplomas and degrees merely for paying the fees. Education means the development of body and mind, and unless you attend to every aspect of it, it is no education at all.

The honourable mover has referred to the baneful influence of early marriage and *pardah* on education. Well, Sir, the remedy he has suggested is not by way of removing these harmful influences, but by way of murdering the cause of education which he has so much at heart.

I am very glad, however, that he has acknowledged that he is a layman in these matters and that he would leave at least certain minor points in connexion with his resolution to the Intermediate Board. Sir, I really do not understand what has prompted him to bring this resolution forward, because what it means is this that you are denying education to girls. No woman or girl would take this as an advance for female education. She would definitely regard it as a retrograde step, and so I wonder if my friend, the mover, consulted the party concerned before moving the resolution. Girls and women are anxious to remove the badge of inferiority from themselves. They want that at least in the matter of education they should not lag behind men. I am quite sure the House will not lend its support to a resolution of this character which I definitely call retrograde and reactionary in the cause of female education.

The Hon'ble the President : The resolution moved was :

That this Council recommends to the Government that it may be pleased to suggest to the Board of Intermediate and High School Education that after a certain standard girls may be enabled to pass the Board examination in languages only.

Since when an amendment has been moved that for the word "languages" the words "one subject" be inserted.

The question is that the resolution as originally moved be adopted.

The question was put and negatived.

The Hon'ble the President : The amendment falls to the ground accordingly.

RESOLUTION *RE* AMALGAMATION OF THE HIGHEST COURTS OF JUDICIARY IN THE PROVINCE

The following resolution tabled by Mr. Brijnandan Lal was not moved as the honourable member when called upon to do so was not on his seat :—

That this Council recommends to the Government to take early steps for the amalgamation of the two highest courts of judiciary in these provinces.

RESOLUTION *RE* MAINTENANCE OF PASTURE LAND

Thakur Balwant Singh Gahlot : Sir, I beg to move :—

That this Council recommends to the Government to introduce legislation to the effect that a certain percentage of the total area of a mahal or village be kept apart as common pasture land.

First of all I must admit that there are certain difficulties in giving effect to this resolution. Firstly, in some villages there may be difficulties in getting suitable land where it does not exist. Secondly, there might be the difficulty that the number of zamindars concerned may be more than one and so it would be difficult to get land from different zamindars at a particular or suitable place. But these difficulties, though they exist, are not such difficulties as cannot be surmounted. In these provinces the main industry is agriculture, and for the development of agriculture cattle is necessary. These days when the zamindari is passing out of the hands of old zamindars to the money-lending class, the pasture lands are being taken away from the use of the tenants.

Generally they are leased out for cultivation, so the tenants find it very difficult in the rainy season to secure any land for the cattle to graze upon. The other difficulty is that there being no common pasture land, there is lot of litigation. When the cattle get astray, one tenant fights with the other and those zamindars who have little feelings for their tenants have also tried to harass them. Now tenants do not possess sufficient number of cattle as they used to do in the past, with the result that every year they have got to purchase new ones. In these hard times it is very difficult for the tenants to pay their full rents and it is almost impossible for them to purchase cattle every year.

The other thing that is very necessary for good cultivation is manure and these days tenants are not in a position to purchase manure. They depend for manure on the number of cattle they possess. So if a common pasture land is set apart, then the tenant will be able to maintain a sufficient number of cattle. That will not only help them in getting good bullocks for their ploughs but also in getting good milk and ghee. Ghee and milk are the only nourishing diet that the tenant or the agriculturist can afford to have. I do not know whether this problem of pasture land exists all over the province. But I must say that there have been a lot of litigation between the zamindars and the tenants and among the tenants also on this question. By introducing some sort of legislation if a certain percentage, say 5 per cent. of the area of a mahal or village, is kept

apart, the difficulty would be removed. If a village is small, then the common pasture-land may be at the adjoining place where two or three villages meet. With these words I commend my resolution to the acceptance of the House.

Rai Bahadur Babu Avadh Bihari Lal : Is the land to be taken away from the tenants or zamindars ?

Thakur Balwant Singh Gahlot : Where it does not exist, it will have to be taken away from the different tenants and zamindars.

Khan Bahadur Maulvi Fasih-uddin : But the revenue will decrease.

Thakur Balwant Singh Gahlot : Revenue is not assessed at all on the pasture land. Generally in settlement revenue is not assessed and where it has been assessed, it ought to be remitted.

Rai Bahadur Babu Jagadeva Roy : The resolution as it stands, Sir, reads in this way. "That this Council recommends to the Government to introduce legislation to the effect that a certain percentage of the total area of a mahal or village be kept apart as common pasture land."

I believe that if a member of the House will like to oppose the resolution, then he might probably take up the literal meaning of this resolution and might urge that there is nothing definite in the resolution to show what should be the percentage of that area which should be set apart as common pasture land. In this connexion I would simply say that that should be no ground for opposing the resolution, because the resolution as it has been put down here is simply meant to be a recommendation to the Government, and in making a recommendation of this kind, it is open to the honourable members to make their own suggestions which might make the resolution itself definite on this particular point. As regards the merits of the resolution, I would like to say that there can be no two different opinions on the point that there is really a necessity in every corner of the province for pasture land. Only the other day I happened to put a few questions, having in my mind this particular resolution at the time, to a few villagers whom I happened to meet on my way. There I concluded definitely that the idea which I had already formed when I left my headquarters was confirmed by those villagers also. The scarcity of fodder is a problem which has not yet been solved and is not very likely to be solved, unless methods like the present one be adopted in some suitable form. The reason for having scarcity of fodder is not far to seek. It is very obvious. We all know that cattle have to be fed if we want to make progress in agriculture. Now in order to make such a progress that is the preliminary step of ours that we should have cattle strong enough and to spare. From this point of view the question of fodder does not find a second place. It goes along with the cattle. Where to get fodder in a sufficient quantity from ? We know that in the plains generally lands which are capable of being cultivated are not allowed to remain uncultivated. The result of this is that all lands which are capable of being cultivated

Rai Bahadur Babu Jagadeva Roy.]

are cultivated at present. Then there is no land left for pasture. Such is the tendency of agriculturists in general these days. The resolution aims at to get over this difficulty, and for this reason it has been tabled before this House. The difficulty which is in front of this honourable House will certainly be much greater when a practical shape will have to be given to give effect to this resolution in the form of legislation. I am quite alive to this fact. How can this resolution be given a definite shape in the form of legislation so as to prove itself to be fully effective for future? That is the only question which has to be considered by us. But at the same time I also know that where there is a will there is a way. Starting from this point of view I would suggest that if an instance were required of a kind like this I would say that in certain villages we find military encamping grounds set apart for that particular purpose. Similarly, if this question be also seriously considered then it can very safely be laid down in the law, as it exists now, that in every village it should be for the zamindars and tenants to set apart out of their respective lands or holdings, as the case may be, a portion for the purposes of pasture. This may be one of the ways of dealing with this problem. Then, another way is as suggested by this resolution that certain land should be set apart as common pasture land. There may be still more difficulties because to have a particular piece of area as common pasture land in the first place must be such an area as may be considered to be sufficient to meet the whole want. For this it is very difficult indeed to expect that so much area will be set apart as common land because in that case the whole burden will fall upon the landlords. Then the landlord will naturally like that Government should share in that burden which will be by relieving that land from the liability of the payment of Government revenue.

Sheikh Muhammad Habibullah : Pasture land is already revenue-free.

Rai Bahadur Babu Jagadeva Roy : I am sorry. I must point out here that this is not the case if it be taken for granted that every village has got land set apart for common pasture. If there had already been in every village common pasture land, then certainly the whole thing is solved. But there are a majority of villages which are such as have got no common pasture land. Now proceeding on this assumption there arises the necessity of having common pasture lands. Therefore that point has to be considered. It can be urged also that in many villages there are waste lands, but waste lands will not serve any purpose of a pasture land. So my point is that in the Revenue law an addition should be made in such a way as to give effect to this resolution and the object of that will be that there will be no such scarcity of fodder and that will serve a very useful purpose.

The Hon'ble the Finance Member : Sir, the first point I should like to make is that this resolution seeks to do by legislation what landlords and tenants can perfectly well do for themselves. It is a question that has been considered very fully by various authorities, for instance

the Royal Commission on Agriculture. They speak of three types of villages. The first is where common lands are such that nothing can be done to improve grazing as every blade of grass is used as soon as it appears. The second is where the grazing of fodder is very extensive with the result that much grass becomes uneatable. The third is where grass is so abundant and grows so abundantly during the rains that one finds extensive tracts covered with fodder which is not only not eaten but is uneatable. I may add to these a fourth class, where there is no grass because it is all cultivation. Well, I would like to ask the honourable member who favours legislation, how he is going to solve certain difficult questions that arise. The first question is,—is it really desirable and economical to increase pasture lands at the expense of cultivated areas? I think there can only be one answer to that, a negative. In the first place you can grow fodder crops—and there is no reason why you should not,—and they are much better than the ordinary sort of grass, which as the Commission pointed out, is very largely uneatable. The second point is that many crops already grown do provide a large quantity of fodder, for instance cereals, millets and so on. The answer to that question is clearly that the proposal is neither desirable nor is it economical. The second question I should like to ask him is,—How will landlords and tenants be compensated for the loss of their income? Supposing we have to take away cultivated lands and turn them into pasture lands, all that they will get in lieu of their cultivation will be a little bit of grass for their cattle. That is no compensation. Someone has got to pay for it. And obviously if we introduce legislation, Government will have to pay for it. Certainly Government has not got the money to do that and if the landlord wants to do it, let him; nobody is going to prevent him. One speaker said to us just now “Where there is a will, there is a way.” I would like to remind him that where there is an infringement of rights, there is usually a riot. Personally I prefer to leave rights alone. The third question I have to ask is, how can common pasture land be managed? A speaker referred to this but I could not understand how he expected to manage it or who is to manage it. He has given no adequate answer. I am afraid I can give him none either. If more fodder is wanted, the correct solution is to grow fodder crops, or crops that produce fodder as a by-product. But the idea of simply saying to the villagers, i.e. you are going to cut off so much of your agricultural land and turn it into common pasture land, does not appeal to me. Will everybody concerned be fighting for their rights—the landlords and tenants and, as somebody reminds us, Government too. In the circumstances I regard this resolution as very much on a par with a dacoity. I will qualify that, a dacoity *in excelsis*; but still a dacoity. I am afraid I must oppose this resolution because it is impracticable and because it would cause an infinity of trouble,—as my honourable friend says, from lathi trouble downwards.

Thakur Balwant Singh Gahlot : The first point that the Hon'ble the Finance Member made in opposing the resolution is whether it would be economical or not. I think it would not be uneconomical

Thakur Balwant Singh Gahlot.]

even if we have to change some of the cultivated land into pasture land because at the present moment what we find is this that the output of the crops is not so good as it ought to be. It is better to cultivate a lesser area than to cultivate extensively without proper means to improve the cultivation. The chief thing that is required these days to improve the cultivation is the cattle and the manure and a common pasture land is a necessity for improving these two things. If the Hon'ble the Finance Member had side by side looked into the figures of the cattle that the tenants possessed, then I think his viewpoint would have been entirely different. The number of the cattle that the tenants possess is going down every day. What is the reason for this decrease in the number? We might on account of our selfish desires every day feel that it would be paying to us to cultivate every bit of land, but that is merely satisfaction of our selfish desires. The result is this that without sufficient quantity of manure and cattle the output of the fields is getting down every day.

As regards the classification of the villages into four kinds, where there is abundance of fodder or where there is plenty of pasture land, there would be no difficulty at all, because sufficient area exists there. Now, secondly, where there is enough area but not more, there too would not be any difficulty. But where there is hardly any land available for a grazing ground, there will, of course, be some difficulty and it is this sort of difficulty which it is sought to be met by means of legislation. In ordinary times tenants and small zamindars, who are also in the category of tenants, can be asked to provide food for their cattle, but during the rainy season they cannot keep their cattle within their holds and they have to let them loose. So for rainy season there must be some common pasture land in order to enable them to graze their cattle. I have met a number of tenants and it is their common desire to have pasture land in every village and they would be willing to make equal sacrifice along with the zamindars. According to settlement rules no revenue is assessed on pasture land therefore zamindars will not have to pay anything as revenue for that land.

The Hon'ble the Finance Member : I will not detain the Council long, but I have to reply to a few points in the honourable member's speech. He told us that by reducing the cultivated area you will be able to improve cultivation. I am not an agricultural expert and I cannot criticize his statements, but what I want to ask him is *whose area* is going to be reduced, and *whose* cultivation is going to be thus improved? He told us that tenants have a desire for a common pasture land. No doubt they have a desire to have a common pasture land,—but out of somebody else's land and not their own. The best solution would be for them to arrive at some sort of compromise among themselves. Indeed, my chief objection to this resolution is that it asks Government to compel people to do what they can do for themselves. Again he told us that the number of cattle was going down. Possibly they are. It is quite possible that only the best survive and the others do not, and this is all for the good. Apart from

that when I was in his district some time ago he told me a lot about the benefits of hydro-electric power. In his part of the province has it not become a question of hydro-electric power versus cattle power.

Then, again, he told us that everybody lets loose his cattle in the rainy season. Of course, he does, because there is grass, but there is no reason why they should not provide fodder for their cattle during the rainy season just as much as they do at any other time of the year? He suggests that we should ask people to do this, that and the other. Let them ask each other. Why should Government compel them to do it?

Thakur Balwant Singh Gahlot : May I give a personal explanation? Things that can be done collectively by legislation; individuals cannot be expected to do the same thing. If individuals can do the same thing I do not think there will be need for any legislation whatsoever.

The Hon'ble the President : This is hardly an explanation. This is an argument. The question is that this Council recommends to the Government to introduce legislation to the effect that a certain percentage of the total area of a mahal or village be kept apart as common pasture land.

The question was put and negatived.

A BILL TO AMEND THE UNITED PROVINCES DISTRICT BOARDS ACT

Pandit Joti Prasad Upadhyaya : Sir, I beg to present the report of the Select Committee on the United Provinces District Boards Act (Amendment) Bill, and move that the Bill be taken into consideration.

The Hon'ble the President : The question is that the United Provinces District Boards Act (Amendment) Bill will be taken into consideration.

The question was put and agreed to.

The Hon'ble the President : I find that there are no amendments on the order paper. Is there a desire that it should be taken clause by clause?

The Hon'ble the Minister for Education : I wish to oppose one clause.

CLAUSE II.

2. In this Act the expression "the principal Act" shall mean
Definition. the United Provinces District Boards Act,
1922.

U. P. Act
X of 1922

The Hon'ble the President : I will take it up clause by clause.

The question is that clause 2 stand part.

The question was put and agreed to.

CLAUSES 3 AND 4

3. In sub-section (2) of section 35 of the principal Act, for the words "after the occurrence of a general election every Board shall elect its own Chairman" the following words shall be substituted, namely :

"When a Board is completed after a general election it shall elect its own Chairman."

Omission of sub-section (3) of section 35 of the principal Act. 4. Sub-section (3) of section of the principal Act shall be omitted.

The Hon'ble the President : The question is that clauses 3 and 4 stand part.

Mr. Brijnandan Lal : Clause 4 has been withdrawn.

The Hon'ble the President : The clause of the original Bill may have been withdrawn and not the clause of the Bill as amended by the Select Committee.

Mr. Brijnandan Lal : The clauses have not been re-numbered.

The Hon'ble the President : There seems to be some mistake. It is inconceivable that in a Bill that is to be passed by this House there will be any blanks. It appears to me that the matter will have to be looked into a little. Let the Council adjourn till 2.15 p.m.

The Council adjourned for lunch at 1.25 p.m.

After the recess the House re-assembled at 2.15 p.m. with the Hon'ble the President in the Chair.

The Hon'ble the President : When we adjourned for lunch I had proceeded as far as clause 4 of the Bill, to which Mr. Brijnandan Lal said that there was no such thing as clause 4 of the amending Bill. I pointed out that in that case the matter will have to be looked into. I find, thanks to the courtesy of the Hon'ble the Minister for Local Self-Government, that it was not necessary to re-number any of the clauses and that the Bill as amended by the Select Committee is complete by itself. So that the point raised by Mr. Brijnandan Lal did not arise and there is no question of re-numbering the clauses. What exactly is the objection ?

Mr. Brijnandan Lal : Our difficulty was that we did not receive the copies of the Bill in which the clauses had been re-numbered. I was under the impression that no re-numbering had been done. We have just received copies from the clerk. All of us received only the report and not the appendix.

The Hon'ble the President : I am afraid the office is not to blame there at all. When the Select Committee recommends that the Bill be republished copies of the Bill as amended are circulated to members. When the Committee does not recommend any publication the members have to amend their own copies. Members have their

copies and they have to amend their copies. If any honourable member particularly desires to have the Bill as amended by the Select Committee, he has to ask from office for these copies and I think a spare copy can perhaps be given to an honourable member. I am afraid the point raised by Mr. Brijnandan Lal does not arise in the circumstances. I shall see what can be done in the future about this.

CLAUSES 5 TO 9

Addition of explanation
to section 35 of the prin-
cipal Act.

5. At the end of section 35 of the principal Act the following explanation shall be added, namely :

“ *Explanation.*—A Board shall be said to be completed within the meaning of sub-section (2) when all elected seats are filled by election and not otherwise.”

Dismissal and
punishment
of Secretary
or the

Omission of sub-section
(4) of section 35-B of the
principal Act.

6. Sub-section (4) of section 35-B of the principal Act shall be omitted.

Addition of new section
:35-C.

7. After section 35-B of the principal Act the following new section shall be added, namely :

“ 35-C. (1) *When the question is raised by a petition preferred to the local Government by an elector entitled to vote in any of the circles of a Board, or by any member of the Board, whether the Chairman of a Board has been duly elected or nominated under the provisions of section 35 or section 35-B, the local Government shall, without considering the merits of the question raised, refer it for decisions to a judicial officer not below the rank of a District Judge :*

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Provided that security of Rs.500 in cash shall be filed with the petition and that such security shall be forfeited to Government on the recommendations of the Judicial Officer to whom the petition has been referred if the petition is found by him to be frivolous or vexatious.

(2) The Judicial Officer shall on a date fixed by him call upon the parties to appear before him and produce such evidence as they desire in support of their case, and shall then proceed to pass orders on the petition.

(3) No suit or application challenging the election of a Chairman of a Board, shall lie in any civil or any other court.”

Addition of sub-section
(4) to section 38 of the
principal Act.

8. The following new sub-section shall be added to section 38 of the principal Act, namely :

“ (4) If a Chairman of a Board on receiving a requisition from the members of a Board requesting him to hold a meeting for passing a resolution under sub-section (2) on a date specified in the requisition does not convene a meeting within one month of the receipt of the requisition he shall be liable to removal by Government.”

9. The words "of this section or under sub-section (4) of section 38" shall be inserted after the words "under sub-section (2)" in line 2 of sub-section (3) of section 39 of the principal Act.

Amendment of sub-section (3) of section 39 of the principal Act.

The Hon'ble the President : The question is that clauses 3, 4, 5, 6, 7, 8 and 9 stand part.

The question was put and agreed to.

CLAUSE 10

Amendment of section 17 of the principal Act.

10. For section 71 of the principal Act the following section shall be substituted, namely :

"71. A Board may by special resolution punish or dismiss its Secretary :

Provided firstly that such resolution is passed by a vote of not less than two-thirds of the total number of members of the Board for the time being :

Provided secondly that the Secretary of a Board shall have a right of appeal to the local Government against such resolution within one month from the date of the communication of the resolution to him, and that the resolution shall not take effect until the period of one month has expired or until the local Government have passed orders on any special preferred by him."

Amendment of section 17 of the principal Act.

The Hon'ble the President : The question is that clause 10 of the Bill stand part.

The question was put up and agreed to.

CLAUSE 11

Addition of explanation to section 82-A of the principal Act.

11. The following explanation shall be added at the end of section 82-A of the principal Act, namely :

"*Explanation.*—The clerical staff of the educational office maintained by a Board shall not be classed as servants employed solely or mainly in the educational work of the board."

The Hon'ble the Minister for Education : Sir, I rise to oppose the addition which is proposed to be made to section 82-A of the Act. The addition reads that "the clerical staff of the education office shall not be classed as servants employed *solely* or *mainly* in the educational work of the Board." Section 82-A of the Act, Sir, laid it down that the power to decide all questions arising in respect of services of servants of the Board who are employed solely or mainly in the educational work of the Board shall vest in the Chairman of the Education Committee. The effect of the explanation is thus to remove from the purview of the Chairman of the Education Committee the clerical staff of the education office. That control will consequently now vest in the Chairman of the Board for servants drawing more than Rs.25 a month and in the

Secretary of the Board for servants drawing below Rs.25 a month. Sir, the decision that the clerical staff of the education office are at present servants employed solely or mainly in the educational work of the Board was taken by Government in exercise of its powers under section 68-A(2) of the Act. Sir, the Act makes it clear that the Education Committee discharges and performs all the powers, duties and functions of the Board in regard to educational matters except in certain budgetary matters and certain building matters. The almost entire work of the Board in respect to education is thus done by the Education Committee. The Education Committee, Sir, cannot be excepted to perform that work properly unless it has control of the office staff through which that work is carried out. If the office staff is removed from the control of the Chairman of the Education Committee who is in effect the Board's executive officer in educational matters he will not be able to insure that his orders are carried out, and it will not be possible for him to be responsible for the educational work of the Board. The position created by the amendment is thus one which will invariably lead to confusion, and in some cases friction. This very question was considered, Sir, by the District Board Education Administration Inquiry Committee over which I presided 18 months ago. This Committee went into various questions arising out of the working of the Education Committees of the District Boards. That Committee had for its members—

Rai Rajeshwar Bali Sahib,
 Captain Nawab Jamshed Ali Khan,
 Rai Bahadur Kunwar Sardar Singh,
 Rai Bahadur Mr. Brij Lal Badhwar.
 Thakur Keshava Chandra Singh,
 Khan Bahadur Shak'rdad Khan,
 Khan Bahadur Maulvi Fasih-ud-din, and
 Mr. A. H. Mackenzie.

The committee considered the question of the control of the educational staff of the District Board's office and made their recommendations. These recommendations are now under the consideration of Government. According to these recommendations the staff would be left under the control of the Chairman of the Education Committee but there will be a provision that the Chairman of the Board and the Chairman of the Education Committee might have a mutual arrangement to deal with cases of a vacancy for a clerk in either the Board's main office or in the Educational Office. This would allow for the promotion of good clerks throughout both offices and inter-change of clerks and contact between the two branches. To accept the amendment perhaps would be to stultify the recommendations of that strong Committee specially selected to consider occasions of friction between the Boards and their Education Committees and disputes and disagreements over the control of the education staff. I am not aware of the arguments used in favour of the proposed amendment of the Act, but probably it was urged that it would reduce the friction if all

The Hon'ble the Minister for Education.]

the Board's office was under one control. Against this, Sir, I would point out that the effect of the amendment will not be to reduce friction but merely to increase it, for besides possible friction between the two chairmen over the education staff, occasions for which will still continue under the amendment. The amendment will give occasion for direct friction between the Chairman of the Education Committee and his own office staff. It may also have been urged that since the board votes the money for the clerical staff its chairman should control that staff, but this argument applies to all the education staff and is an argument in favour of reversion to the general position before the amending Act of 1928 was passed and does not apply merely to the education office staff. It seems pretty clear that the amendment would make confusion worse confounded. We went into the whole matter very carefully, and I would appeal to the honourable member who is piloting this Bill to delete the provision which he has introduced.

I would, if I may, Sir, summarise the grounds on which I am opposing the proposed amendment :

(1) The clerical staff of a board's office is in fact employed mainly in the educational work of the board and consequently the amendment is not practicable or logical.

(2) The amendment will not reduce occasions of friction; on the contrary it will increase them.

(3) The position of the clerical staff of the boards was considered by the committee to which I have just referred and its recommendations are going to be very shortly given effect to.

(4) The result of the amendment would be to remove from the control of the board's educational executive officer, i.e. the chairman of the education committee, the office staff charged with the duty of carrying out his orders.

The Hon'ble the President : The Chair should just like to point out one thing in connexion with the opposition to this clause led by the Hon'ble the Minister. The Chair of course has nothing to do with the domestic aspect of it. It is for the Hon'ble the Minister for Local Self-Government and the Hon'ble the Minister for Education to decide between themselves. I say "the domestic aspect," because the report of the select committee has been signed by the Hon'ble the Minister for Local Self-Government, and he seems to have agreed to this clause. But the Hon'ble the Minister for Education considers that this clause, if retained, would make confusion worse confounded. However, as I have said, it is a matter for domestic arrangement with which the Chair has nothing to do. The Hon'ble the Minister for Education was of course perfectly within his rights in opposing the clause in the way he did, and it is open to every member of the Council when a clause is called to oppose it. But I should just like to point out that a practice has grown up in this Council in conformity with that of

the House of Commons that when opposition to a clause is made an amendment is tabled that the clause be deleted. It is true that the amendment is of a negative character, but it certainly gives honourable members an opportunity of making up their minds and ensuring that a surprise is not sprung on them. I hope that in future when opposition to a clause is to be made, a regular amendment that the clause be deleted, will be tabled. Of course I may repeat that it is perfectly within the rights of any member of the House to oppose any clause, but in order to conform with the general practice on the subject here as well as elsewhere it is but proper that notice of an amendment deleting the clause should be tabled. It ensures a better debate.

The Hon'ble the Minister for Local Self-Government : May I say just a few words. I regret very much that I have had to rise at this stage in view of the observations that have fallen from you, Sir. It is true that in signing the report of the select committee I agreed to this clause. I did so because I felt that if I did not do it we shall be taking away a certain right which at present vests with the chairman of the board, and this of course may be very unfair to him. My honourable colleague has referred to the recommendations of the education committee. That committee has sought to make the education committee as independent as possible with a view to serve the best interests of education. The report of the education committee is of course being considered separately. Now, the whole question is whether this clause is likely to affect the administration of education and whether if the power of appointing clerks is still retained by the chairman of the district board that would in any way affect the position of the chairman of the education committee or place difficulties in his way. This is a moot point, and I hope that honourable members will carefully consider it. I recognize that unless the chairman of the education committee has certain disciplinary powers, he cannot possibly keep the staff under control and carry out his policy satisfactorily. On the other hand, it may be argued that it is unfair to take away the power of appointment from the chairman of the district board, as he has enjoyed it so long. While recognizing that some disciplinary power should vest in the chairman of the education committee, it is obvious that some compromise should be arrived at, by which the position of the chairman of the district board may not be compromised or he may not in any way be put in a position which may be regarded as disadvantageous to him. We may also give certain powers to the chairman of the education committee with a view to enable him to take disciplinary action against the staff of the education committee, if he thinks that they are not carrying out their duties and responsibilities to the satisfaction of the committee and the chairman. These are the points which have to be borne in mind and I leave it to the House to decide it one way or other.

Shaikh Muhammad Habibullah : Sir, being on that committee I feel I may explain the circumstances in which this clause was added. In fact we acted with the best of intentions and having regard to the

Shaikh Muhammad Habibullah]

interests of the staff of the education department of the board. In the first place, the law as it stood precluded the members of the staff from getting promotions in the regular line of the board's office, because they are altogether excluded from the office of the board. The second and the most important point which induced us to bring this clause into the Bill was that under the existing law these people were left absolutely at the sweet mercy of the chairman of the education committee. They had no right of appeal, as the other members of the office of the board have got, to the Local Government. It was in order to save them from this position that we inserted this clause. I think, in view of the remarks made by the Hon'ble the Minister for Education, there is no doubt need for a sort of compromise. In the first place, the education department ought to have full control over its clerical staff, and in the second place the clerical staff should have a wide field in the matter of promotion and of protection against the order of dismissal.

Pandit Joti Prasad Upadhyaya : Sir, this clause, as I understand, was very carefully considered by the select committee when the Bill was before it for consideration only a few days ago. The select committee unanimously came to the decision that the clause, as given in the original Bill by me, should be retained, and there were very weighty reasons for retaining the clause. The one reason that I would put before the House for retaining this clause on the Statute-Book is to give greater security to the members of the office staff who are employed in the educational office. The law formerly was before the District Board (Amendment) Act was passed, by which very wide powers have been given to the chairman of the district board with regard to dismissal, punishment, and other things to office staff, that the board had full authority over the entire staff. If any punishment was to be given to any member of the office staff, it could only be given by the board. But now by the amending act, which was passed some years ago, the entire power of employing, punishing, or dismissing the members of the office staff has been vested either in the chairman or in the secretary of the board : it is no longer in the hands of the board.

Now the conditions have changed and this power, as I submitted just now, is vested entirely either in the chairman or the secretary. I do not remember what class could be punished by the secretary and what by the chairman, but this is the existing law. According to the existing provisions of law, such a member of the clerical staff who has been punished by the Secretary has a right of appeal to the chairman and the member of the staff who has been punished by the chairman of a board has a right of appeal to the Local Government. Now as regards the punishment given by the chairman of the education committee to those people who are merely employed in educational work—these are the words used in the Act—a right of appeal exists, but such an appeal should be preferred to and heard by the chairman of the district board and the inspector of schools sitting together. When the legislators made that provision in the Act for

deciding this point of appeal against the orders of the chairman of the education committee, they had only members of the teaching staff employed in the rural area under consideration. It was never contemplated that the members of the office staff who are engaged in the educational office of a board will also be punished, dismissed or otherwise dealt with by the chairman of the education committee and against such order of punishment or dismissal they will have a right of appeal to the chairman of the district board plus the inspector of schools. I think this position will be anomalous. The honourable members may note that when this right of appeal was given, it was intended that such appeals as I have said above could only be made to the chairman of the district board and the inspector of schools by the members of the teaching staff employed in the rural area. So if the honourable members wish and I suppose it is the wish of all the persons employed in the education office of district boards that they should have a right of appeal not to the chairman of the district board but to the Local Government, this clause may be retained. By retaining this clause a member of the office staff employed in the education office will have a right of appeal in case of punishment or dismissal to the Local Government. While if you give this authority of punishment or dismissal to the chairman of the education committee, he will have no right of appeal to the Local Government. He could only appeal to the chairman of the district board and the inspector of schools and it is just possible that the chairman of the education committee by being of the same party as the chairman of the district board such clerks may suffer, and their appeals may not be heard properly. In case of disagreement between the chairman of the district board and the inspector of schools, the decision of the chairman will prevail. I think it is mainly for this reason that the present clause should be retained on the statute book and greater security should be given to the members of the office staff who are employed on educational work. I think the reasons given by the Hon'ble Minister for Education are not very sound nor very weighty. I regret to have to differ, but I am very sorry for doing so. He has probably been prompted to make this remark at the instance of the present Director of Public Instruction. I do not want to keep it a secret.

The Hon'ble the Minister for Education : These are my own remarks. This is what I feel myself.

Pandit Joti Prasad Upadhyaya : The policy of the Government unfortunately has been to cut out education altogether from the district board and this suggestion of the Hon'ble the Minister is only a stepping stone to that goal—to cut out education altogether from the district board. I do not think, Sir, by retaining this clause any harm will be done to anybody, and the Hon'ble the Minister for Education or for the matter of that any of his subordinates will suffer any injury.

That is one reason why the clause was retained in the Bill by the select committee. Another argument advanced by the Hon'ble the Minister was that there would be dual Government over the members

Pandit Joti Prasad Upadhyaya]

of the education staff in the office. Well my reply to this argument is that if this clause is not retained, then there will be dual Government. The whole office ordinarily should be under the chairman of the district board, and the staff must be subordinate to him. I think a great fundamental mistake was committed in making the education committees the statutory bodies which they are now in the year 1928. Everybody deplores this change, except probably the Government. The Government still think—and I think very unreasonably—that education committees should be made perfectly independent of district boards and the chairman of the district board. That was undoubtedly a very wrong move and honourable members must be aware—some of them who are chairmen of district boards and chairman of education committees must know, I think very vividly—that the existence of the education committees has created a great friction between the chairmen of boards and the chairmen of education committees and also among the members of the board. I think the sooner that amending Act which amended the District Board Act in 1928 is repealed, the better would it be both for the public and the Government. This clause without doubt does not do any injury to anybody except that it establishes one form of government in the office of the district board, and at the same time gives greater security to the members of the staff, by which they will have a right of appeal to the Local Government in case they are wrongly punished or dismissed by the chairman of the district board, which they will not enjoy if they are allowed to remain under the bare subordination of the chairman of the education committee.

Thakur Muneshwar Bakhsh Singh : I quite agree with Pandit Joti Prasad Upadhyaya that for some years it has been the policy of the Education Department to take away the education work into official hands, and so the local boards have been deprived of expressing their voice and they are not being heard in that matter. But, Sir, the things as they are show that the amendments have been passed some years back and now the education committee of the board is quite separate from the general board, the accounts are separate, the clerks are quite separate, education work is quite separate from the general work. So at present certainly I will agree with the Hon'ble Minister for Education that unless the chairman of the education committee has control over his own staff then he certainly cannot expect good work from those clerks; if he cannot punish them or cannot appoint them, then certainly they will not care for his orders. At the same time those clerks would be under two masters. They would look for their promotion to the chairman of the district board and they will put their work before the chairman of the education committee. The chairman of the district board will have no means of judging their work, while the chairman of the education committee can judge their work and promote and give them other chances. But, Sir, there is one more difficulty. Supposing some vacancy on the general side of the district board occurs and supposing there is a good clerk on the education staff, he cannot have any chance of

promotion unless the staffs are under one person or under the joint control of both the chairmen.

So my submission is that all the District Board staff should be put under the joint control of both Chairmen, and in that case no one will forfeit his prospects and every one will have a chance of getting promotions. Therefore I am for the deletion of this clause.

Chaudhri Bharos. चौधरी भरोस

जनाव प्रेसिडेन्ट साहब,

गवर्नमेन्ट से इस काउन्सिल में अर्ज है कि जव depressed classes का मुआइना करने के लिये ज़िले में जाएंग तो उनको भत्ता मिलेगा या नहीं ?

***Khan Bahadur Maulvi Fasih-ud-din :** Sir, there is a very old saying of one of the sages of Shiraz :

دو چیز تیرہ عقل است دم فرد بستن
 بوقت گفتن و گفتن بوقت خاموشی

That is, there are two things which show that a man has got a lack of sense, namely that he speaks when there is no occasion for him to speak and he does not speak when there is an occasion for him to speak. I follow this principle when I rise. About 18 months ago Government received complaints that there was a good deal of rivalry between the Chairman of the Education Committee and the Chairman of the District Board, and for that reason the work of education was suffering considerably, and that there should be some specific and definite provision in law which should do away with this tussle between the two Chairmen. A committee was formed, of which I happened to be a member. The committee was a very representative one, and it contained a Chairman of the District Board as well as a Chairman of the Education Committee and some outsiders too. The whole question was gone through and discussed threadbare. We took evidence on the subject and we came to the conclusion that amongst other things the office clerks of the Chairman of the Education Committee should be directly under the control of the Education Chairman. Then came in the question about the secretaryship of the Education Committee. Some of the members were of the opinion that the Secretary of the District Board should be the Secretary of the Education Committee, while others held a different opinion, and the committee came to the conclusion that the Deputy Inspector should be the Secretary of the Education Committee and not the Secretary of the District Board, for the simple reason that if the Secretary of the District Board was to be the Secretary of the Education Committee, the friction between the two Chairmen would increase. The matter was discussed on the floor of this House and the honourable House decided by an overwhelming majority that the Secretaries of the two Committees should be separate. Now under this explanation the natural result will be

* Speech not revised by the honourable member.

Khan Bahadur Maulvi Fasih-ud-din.]

that the office of the Education Committee will be transferred to the control of the Secretary of the District Board, and then the same state of affairs which we wanted to avoid will again be revived. That is one difficulty which I anticipated. Then, the other thing is this that supposing the Chairman of the Education Committee finds that some of the clerks keep papers and files for months and years together or that they are incompetent and he wants to fine them or to dismiss them, then he will have to approach the Chairman of the District Board in order to punish that staff and if the Chairman of the District Board happened to be on good terms with the Chairman of the Education Committee—my own experience is that in at least 7 out of 10 cases the two Chairmen do not pull on together well in this Province and that was the view taken by that committee—then naturally the result will be that education work will suffer and no one will consider himself responsible for the transaction of educational business. Personally speaking I am not in favour of the creation of these education committees and I believe some of my colleagues in this Council remember that when that matter was brought before the Council and the Bill amending the District Boards Act was brought up, it was Mr. Gurtu and I, the only two members, who were opposed to the Bill. But the Bill was passed by an overwhelming majority and this matter was also discussed before the committee which I have just mentioned. But the majority of the opinion decided that the Education Committee should not be scraped out just at present and that it should be given further chance to show its work. I agree with Mr. Upadhyaya that these education committees are a stumbling block in the way of progress of education of District Boards. But situated as we are, I think there is no help but to give full powers of control to the Chairman of the Education Committee and unless this is done I do agree with the Hon'ble the Minister for Education that confusion will be worse confounded.

Thakur Balwant Singh Gahlot : Sir, I entirely agree with Pandit Joti Prasad Upadhyaya that there has been a regular attempt on the part of Government to create a dual system, just like the present system of government, in the local bodies as well. Before the introduction of the amending Act there was absolutely no friction between the Education Committee and the principal District Board. Since the introduction of that amendment there has been friction in some District Boards. Now, if we take away the power from the Chairman of the district to fine or punish the education clerks, the Chairman of the Education Committee becomes entirely independent. If the power is retained with the Chairman of the District Board, then the Chairman of the Education Committee will naturally feel inclined to be always working in co-operation with the Chairman of the District Board, because he would feel at that time that if he is working in co-operation with the Chairman of the District Board, then his control over his staff would be complete, because his wishes will be carried out by the chairman of the district board. If the power is given to

the Chairman of the Education Committee to punish and appoint educational clerks then these clerks will bring some matters into prominence against the Chairman of the District Board. The question was discussed about the secretaryship of the Education Committee and on the floor of this House the argument in favour of the Secretary, District Board being appointed as Secretary of the Education Committee was to remove the friction and rivalry between the Secretary of the District Board and the Secretary of the Education Committee. Both even now try to compete with each other. If we delete this clause, then instead of making a way for co-operation between the two chairmen, we are trying to set each against the other. So I think it would be better if we retain the clause as it is.

Saiyid Yusuf Ali : Much has been said on this question from both sides, but I think that if the clause as it is proposed to be retained is retained, then that will create an anomalous position and that position would be this. The Chairman, Education Committee, would be the controlling person of the Education Department and he would be the proper person who should, as a matter of course, give punishment or reward according to the merits of the case. If this clause is retained, then it means this that the person who is in charge of the department and who is to administer the department will have no control on those persons who are his subordinates, and in that capacity they will in another way be subordinate to the Chairman, District Board. Although there is one benefit that they will have a right of appeal to the local Government, yet I think that will undermine the authority of the person who is administering the Education Department. In this view of the matter I think I will not be able to support the clause as it is proposed to be retained by Mr. Joti Prasad Upadhyaya.

The Hon'ble the President : The question is that clause 11 stand part of the Bill.

(Division was called and there was voting.)

The Hon'ble the President : Before I announce the result of the division, I should like just to make one request to honourable members. It is for them, of course, to make up their mind or not this way or that way. It is for them also to vote or not as they like. But when an honourable member says aye, it is up to him to walk into the division lobby of ayes and when he says no, it is up to him to walk into the noes lobby. He has no business to cut practical jokes with the Chair or with the House like that. If an honourable member has the courage to say aye, he must have the courage to go into the division lobby of ayes ; if he has the courage to say no, he must have equal courage to go into the noes lobby. But if he has not the courage to go into either lobby, he should not have the courage to say aye or no. I hope I shall not be misunderstood in these remarks ; I do so with great regret.

The result of the division is—Ayes, 7 ; noes, 20.

The clause is lost.

Ayes (7)

Balwant Singh Gahlot, Thakur.
Girwar Singh, Kunwar.
Jagadeva Roy, Rai Bahadur, Babu.
Jang Bahadur Singh Bisht, Thakur.

Joti Prasad Upadhyaya, Pandit.
Prem Ballabh Belwal, Pandit.
Shyam Lal, Lala.

Noes (20)

Afzal-ud-din Hyder, Shaikh.
Ahmad Shah, Mr. E.
Ali Zaheer, Syed.
Awadh Behari Lal, Rai Bahadur, Babu.
Bisheshwar Dayal Seth, Rai Bahadur, Kunwar.
Dharya Singh, Chaudhri.
Fasih-ud-din, Khan Bahadur, Maulvi.
Ghulam Husain, Khan Bahadur, Shaikh.
Habibullah, Khan Bahadur, Maulvi Saiyid.
Hadiyar Khan, Khan Bahadur, Muhammad.

Imtiaz Ahmad, Khan Sahib, Muhammad.
Kanta Nath, Babu.
Liaquat Ali Khan, Nawabzada Muhammad.
Maqsood Ali Khan, Khan Sahib, Muhammad.
Muneshwar Bakhsh Singh, Thakur.
Rajeshwari Prasad, Rai Sahib.
Shakirdad Khan, Khan Bahadur, Sardar Muhammad.
Srivastava, Mrs. Kailash.
Yusuf Ali, Syed.
Zahid Ali Sabzposh, Khan Bahadur, Saiyid.

CLAUSE 12

12. In sub-section (b) of section 133 of the principal Act the words "or under the Northern Indian Ferries Act (Act XVII of 1876)" shall be inserted between the word "thereunder" and the words "to be recoverable."

The Hon'ble the President : The question is that clause 12 stand part.

The question was put and agreed to.

CLAUSE 1 AND PREAMBLE

Whereas it is expedient to amend the United Provinces District Boards Act, 1922, in certain respects ; It is hereby enacted as follows :

Short title.

1. This Act may be called the United Provinces District Boards (Amendment) Act, 1933.

The Hon'ble the President : The question is that clause 1 and the preamble stand part.

The question was put and agreed to.

Mr. J. R. W. Bennett : The only consequential amendment I am aware of is the re-numbering of clause 12. I therefore move that clause 12 be re-numbered as clause 11.

The Hon'ble the President : The question is that " 11 " be substituted for " 12 ".

The question was put and agreed to.

Pandit Joti Prasad Upadhyaya : Sir, I beg to move that the United Provinces District Boards Act (Amendment) Bill, as amended, be passed.

The Hon'ble the President : The question is that the United Provinces District Boards Act (Amendment) Bill, as amended, be passed.

The question was put and agreed to.

A BILL FURTHER TO AMEND THE UNITED PROVINCES DISTRICT BOARDS ACT

Pandit Shri Sadayatan Pande : I beg to present the report of the Select Committee on the United Provinces District Boards Act (Amendment) Bill.

Pandit Shri Sadayatan Pande : Sir, I beg to move that the United Provinces District Boards Act (Amendment) Bill be taken into consideration.

The Hon'ble the President : The question is that the United Provinces District Boards Act (Amendment) Bill be taken into consideration.

The question was put and agreed to.

THE BILL

Whereas it is expedient to amend the United Provinces District Boards Act, X of 1922, for the purpose hereafter appearing ; It is hereby enacted as follows :

1. This Act may be called the United Provinces District
Short title. Boards (Amendment) Act, 1933.

2. For the last paragraph of the explanation appended to
Amendment of section 114 of U. P. Act X of 1922. section 114 the following provisions be substituted, namely :

“ Provided that in notified and town areas the taxation shall take the form of a contribution from the funds of the notified or town area. This contribution shall be fixed by the Chairmen of the District Board and of the Notified or Town Area Committee in consultation, with due regard both to the services rendered by the District Board in each case to the said notified or town area and to the available funds of that area. In case of disagreement between the two chairmen the matter shall be referred to the Commissioner, whose decision shall be final.”

Mr. J. R. W. Bennett : I move that the word “Second” be inserted in clause 1.

The Hon'ble the President : The question is that the word “Second” be inserted in clause 1.

The question was put and agreed to.

The Hon'ble the President : The question is that the preamble, clause 1 and clause 2, stand part.

The question was put and agreed to.

Pandit Shri Sadayatan Pande : I beg to move that the United Provinces District Boards Act (Amendment) Bill, as amended, be passed.

Mr. Brijnandan Lal : I am very grateful to the Hon'ble the Minister for Local Self-Government for fulfilling the promise that he made to me in March last that he would look into the question of district board taxes in town and notified areas. I am very glad to see that

Mr. Brijnandan Lal.]

the Government has given its full support to the Bill of my friend Pandit Shri Sadayatan Pande. There was an omission in the original Bill which would have resulted in the exclusion of the town areas from the scope of the Bill and I expressed a hope last time that it would be rectified by the Select Committee. I must thank the Hon'ble the Minister for Local Self-Government on behalf of the town areas of this province, for not raising any objection as Chairman of the Select Committee and coming in the way of rectification of that omission. The Bill when passed will give a great relief to the people of these areas and save them from double taxation.

The Hon'ble the President : The question is that the United Provinces District Boards Act (Second Amendment) Bill be passed.

The question was put and agreed to.

A BILL TO AMEND THE AGRA UNIVERSITY ACT

Pandit Joti Prasad Upadhyaya : Sir, I beg to move that the Bill to amend the Agra University Act, VIII of 1926, be referred to a Select Committee.

At this stage the Deputy President took the Chair at 3.24 p.m.

Sir, this Bill was introduced in the last session of the Council with the object, as will appear from the statement of objects and reasons appended to the original Bill, of enabling certain officers of the inspecting staff of the Department of Education to appear at the degree examinations of the Agra University. As the honourable members are aware the jurisdiction of the Agra University is very wide. It has got control over a number of districts of the United Provinces, I think a major portion of the United Provinces, as it is an examining University—and also some parts of Rajputana. It has been a very great complaint of the members of the inspecting staff of the Department of Education that although they are employed purely in the educational work they are disqualified by the provisions of the present Agra University Act not to sit for the degree examinations of the University. When this Bill was introduced last in the Council an amending motion was made to my original motion, which was for referring it to a Select Committee, that the Bill be circulated for eliciting public opinion. Since then there has been a free circulation of the Bill and the opinions of the important bodies and individuals have been invited. So far as I have been able to gather the opinions of all the bodies and individuals together with the most important opinion of the Executive Council of the Agra University, I find they all are in favour of passing this Bill. As far as I know the Executive Council of the University has expressed its opinion in favour of this Bill and has suggested that this privilege of appearing or sitting for the examinations of the University should be accorded to the members of the inspecting staff of the Department of Education. I do not think now the Government has any reason to oppose this Bill. I, therefore, for the reasons that I have given just now move that the Bill be referred to a Select Committee.

Khan Bahadur Hafiz Hidayat Husain : Sir, as a member of the Executive Council of the Agra University I can say that the object underlying the Bill has the support of the majority of the Executive Council. But the Executive Council has appointed a Sub-Committee in order to examine the Agra University Act and make suggestions regarding certain changes in the Act, which are found desirable now by experience. I am quite sure my honourable friend would not like a piecemeal legislation in this matter, for I may inform him that the Sub-Committee which had been appointed by the Executive Council has practically finished its labours and the report of that Committee would be before the Executive Council very shortly.

Therefore, Sir, I think that although considered along with other matters the Executive Council of the Agra University by a majority of its members is in favour of the object underlying the Bill of my friend, my submission is that no piecemeal legislation should be undertaken. I move therefore that the Bill as introduced in the Council be referred for public opinion and that the Senate of the Agra University should be consulted. If the Bill has been already referred for public opinion and opinion has been received then my submission is that the Bill should be delayed till such time as the University sends up its proposals for amendment of the Act itself. If the present Bill has not been circulated for eliciting public opinion I move that the Bill be referred for eliciting public opinion by 30th April, 1933.

Rai Bahadur Babu Vikramajit Singh : I do not know if the motion of my honourable friend Khan Bahadur Hafiz Hidayat Husain that it be circulated for public opinion is in order because this has already been done and public opinion is I understand in favour of the Bill. My honourable friend himself said that the Executive Council is also in favour of it but he does not like piecemeal legislation. We find here that with regard to the District Boards Act and the Municipalities Act piecemeal legislation is carried on day after day in a number of amending Bills and no objection is taken on this side, and I do not see why this Bill ought not to be referred to a Select Committee when the opinions are in its favour. Sir, without committing myself as to the details of the matter which is under discussion, I would submit that this Bill be referred to a Select Committee and I give my support to the motion before the House.

The Hon'ble the Minister for Education : This Bill was referred for eliciting public opinion. It is not correct to say that all the opinions we have received are in favour of the Bill. I do not know how those who have spoken before me have taken that for granted. There are some people and some bodies who are in favour of the Act being amended on the lines of the Bill, but there are others who are not in favour. The Agra University has no doubt said that the privilege of appearing at the degree examination should be extended only to members of the district inspecting staff of the Education Department who are already graduates and who desire to appear for higher degrees. I beg your pardon Sir, the Executive Council has not favoured that suggestion. It has suggested that the privilege should be thrown open to all the members of the inspecting staff. Yes, I was

The Hon'ble the Minister for Education.]

wrong. The Agra University has favoured the change when the Bill seeks to make. But Sir, the Allahabad University has said that they would not admit inspecting officers, librarians or laboratory assistants to the B.A. examinations as private candidates, but would admit them as private candidates to the M.A. examination. Of course the argument against the Bill is that a degree should connote training in an educational institution. That is the view taken by various people who went into this matter before. It was pointed out by Mr. Harrop, the then Director of Public Instruction during the course of the discussion which took place on this Bill in November last that the Agra University Bill was discussed by a powerful Select Committee, of which the members were—

Rai Rajeshwar Bali, Kunwar Jagdish Prasad, Mr. Norton, Mr. Mackenzie, Dr. Ganesh Prasad, Dr. Ziauddin, Khan Bahadur Hafiz Hidayat Husain, Pandit Nanak Chand, Rai Bahadur Thakur Hanuman Singh, Raja Durga Narayan Singh, Dr. Shafa'at Ahmad Khan and Rai Bahadur A. C. Mukerjee.

This very powerful Select Committee discussed this very point as to what persons should be admitted to the examinations of the Agra University without being members of a College or a University Institution, and they said in their report "We think it undesirable that the Agra University should admit to its degree examination candidates, excepting teachers and women candidates who have not pursued an approved course of study in a College." The whole idea underlying this was that in order to earn a degree the candidate must have received regular training under teachers in an atmosphere of culture and learning. If you are going to admit district inspecting staff of the Education Department what arguments can there be for not admitting other Government servants. The mere fact that a person is employed on inspecting schools does not constitute a strong point in his favour. Then Sir, it is proposed to extend this privilege to librarians, and even laboratory assistants—bottle washers. I am not opposing the Bill but I wish merely to point out to the House that the matter has been gone into very carefully before and that there are arguments for and against.

There is a great deal of force in what Khan Bahadur Hafiz Hidayat Husain Sahib has said. I know that the Agra University is considering various amendments to the Act, and it would no doubt be preferable to bring forward one amending Bill embodying the various changes which are sought to be made. There are drawbacks in piecemeal legislation of this kind. Any way, Government will not stand in the way of this legislation and they would leave it to the House to decide whether to go on with it or to wait until they have got the views of the Agra University on all the various changes which they wish to be made in the Act.

Mr. Brijnandan Lal : Sir, I believe in democracy—I have been advocating self-Government—but democracy has its limits. I do

not know anything about the Agra University—I belong to the Allahabad University—but if the Agra University is of opinion that laboratory assistants should be regarded as teachers, I doubt very much whether the Agra University remains what it was sometime ago. Those who belong to the Muir Central College may well remember that we had an excellent laboratory assistant called Ramdin. The Principal used to like him very much ; and he was a very clever man, but he was not educated. He could set up apparatus very well, but I doubt very much whether he could be called a teacher.

Rai Bahadur Babu Vikramajit Singh : Is my friend calling a chaprasi a laboratory assistant ?

Mr. Brijnandan Lal : I do not know whether the Agra University has defined the term “ Laboratory Assistant ” anywhere. However, it is purely a matter of domestic arrangement. If the Agra University chooses to have laboratory assistants as their teachers, I have really got no objection. But I think the matter should be referred to the University.

Rai Bahadur Babu Vikramajit Singh : They have already given their opinion in favour.

The Deputy President : I would like to know from Khan Bahadur Hafiz Hidayat Husain whether he has made a definite motion that the Bill be re-circulated for eliciting opinion.

Khan Bahadur Hafiz Hidayat Husain : My motion is there—that the Bill may be re-circulated for eliciting opinion.

Khan Bahadur Saiyid Jafer Hosain : The Bill was once circulated for eliciting opinion. Will it be in order, Sir, to make another motion for the same purpose ?

The Deputy President : A motion has been made by Khan Bahadur Hafiz Hidayat Husain that the Bill be re-circulated for eliciting opinion, and the Chair is asked to give a ruling on that point. The relevant standing order is Standing Order 44. In sub-clause 3 it says that “ where a motion that a Bill be circulated for the purpose of eliciting opinion is carried in the Council and the Bill is circulated in accordance with that direction and opinions have been received thereon before the date mentioned in the motion, the member in charge, if he wishes to proceed with the Bill thereafter, must move that the Bill be referred to a Select Committee unless the President in the exercise of his power to suspend the order allows the motion to be made that the Bill be taken into consideration.” There is no provision in the standing orders that the Bill can be re-circulated for eliciting public opinion at this stage. Therefore, I rule this motion out of order.

Pandit Joti Prasad Upadhyaya : The Hon'ble Minister is in the habit of referring to powerful Committees which have held their deliberations in the past, as though these Committees have a binding effect on the House, and their recommendations must be taken as Gospel truth. My submission to the Hon'ble Minister is that this House has the inherent authority to consider all acts of legislation that have been passed in the past, and when he refers to a certain

. Pandit Jyoti Prasad Upadhyaya.]

recommendation of the Committee as having its binding influence on the House, he is not quite in order.

The Hon'ble the Minister for Education : On a point of personal explanation. I did not say that this House was not in order. I merely told the House that a Committee like that had gone into this matter, and it was for the House to take into consideration the decisions that it came to. That was all.

Pandit Joti Prasad Upadhyaya : My submission to the House is that even such a powerful Committee as described by the Hon'ble Minister has given its opinion in favour of the fact that the Agra University should not allow members of the inspecting staff to appear at the Degree examinations for the simple reason that they have not received the necessary training at some educational institutions. Now that argument does not hold much water, specially because the Executive Council of the University has expressed an opinion in favour of the Bill. The powerful committee to which the Hon'ble Minister referred was constituted in 1926, and I think its recommendations have now become out of date and obsolete. Those observations made by the Committee can certainly be considered by the Select Committee. The second argument was that some bodies and some individuals were against the Bill. I think the most important body whose opinion should have greatest weight regarding this issue is the Agra University itself. The opinion of the Allahabad University, I think, should not carry much weight, as the Allahabad University is a purely residential University and does not deal with anybody except those who are residing in the boarding houses of the University and receiving their tuition at the hands of the University teachers.

As regards the question of extending the privilege of appearing at the examinations of the University to the librarians and to the laboratory assistants, I think this question can be threshed out in the Select Committee where the Hon'ble Minister will be himself present and will be guiding the deliberations of the Select Committee. If the Select Committee considers that this privilege should be extended to such men, it can be extended; otherwise the Select Committee will give its opinion against this. I think for the present there is no harm in referring this Bill to a Select Committee and I would request the House to accept this motion for the reasons that I have given.

The Deputy President : The question is that the Bill to amend the Agra University Act, VIII of 1926, be referred to a Select Committee.

The question was put and agreed to.

Pandit Joti Prasad Upadhyaya : Sir, I beg to move that for the Select Committee the following members be elected :

Mr. J. R. W. Bennett,

Pandit Shri Sadayatan Pande,

Mr. E. Ahmed Shah,

Rai Bahadur Babu Jagadeva Roy,

Lala Shyam Lal,

Rai Rajeshwari Prasad,
Khan Bahadur Saiyid Jafer Hosain,
Khan Bahadur Maulvi Fasih-ud-din,
Nawabzada Muhammad Liaquat Ali Khan, and
Munshi Gajadhar Prasad.

Lala Shyam Lal : Sir, I beg to withdraw and propose the name of Rai Bahadur Lal Sheo Pratap Singh.

Pandit Shri Sadayatan Pande : Sir, I second the proposal.

Mr. J. R. W. Bennett : Sir, I propose that the name of Mr. Mogha be substituted for my name.

Mr. P. M. Kharegat : Sir, I second the proposal.

The Deputy President : The question is that for the Select Committee the following members be elected :

Pandit Shri Sadayatan Pande,
Mr. E. Ahmed Shah,
Rai Bahadur Babu Jagadeva Roy,
Rai Rajeshwari Prasad,
Khan Bahadur Saiyid Jafer Hosain,
Khan Bahadur Maulvi Fasih-ud-din,
Nawabzada Muhammad Liaquat Ali Khan,
Munshi Gajadhar Prasad,
Rai Bahadur Lal Sheo Pratap Singh, and
Rai Bahadur Mr. P. C. Mogha.

The question was put and agreed to.

A BILL FURTHER TO AMEND THE UNITED PROVINCES MUNICIPALITIES ACT

***Lala Shyam Lal :** Sir, I beg to move that the Bill further to amend the United Provinces Municipalities Act, II of 1916, be referred to a Select Committee. While moving this motion I beg to submit that there was an objection raised by my friend Mr. Brijnandan Lal, that this Bill should be circulated first to elicit public opinion thereon. As far as I have been able to find out, out of the 58 local bodies and other people 44 have written accepting my Bill and only 14 have recommended that this Bill be not accepted. In view of this fact I do not think Mr. Brijnandan Lal will have any more grievance and will not oppose this Bill.

Mr. Brijnandan Lal : Sir, I am very sorry I have to rise to oppose the reference of the Bill to a Select Committee. I regard this Bill as one of the most dangerous measures so far brought before this Legislative Council. My reason is this. Suppose for instance in a particular municipal board there is a bare majority against the chairman, but that majority does not amount to three-fifths. The result will be

* Speech not revised by the honourable member.

Mr. Brijnandan Lal.]

that the majority will not allow the chairman to do anything. They will not allow the budget to be passed. They will not allow any resolution which is brought forward by the party of the chairman to be passed and yet they cannot turn out the chairman because that majority will not amount to three-fifths. The result will be a deadlock and the board will not be able to do anything, nor the Government will be able to do anything. What will my friend say if the Government of India Act were to be amended so as to make it obligatory for the members of the Council to have a majority of three-fifths in order to turn out a Minister. It is against the principles of democracy. The honourable mover has said that out of 58 boards, 43 are in favour of the measure. The reason is this. The measure affects the chairmen of the municipal boards who have a majority, otherwise they would not have been elected. I am glad that 15 have expressed their opinion against it. But the majority of today may be the minority of tomorrow. I submit that this measure will make it absolutely impossible for the municipal boards to carry on their work. There are already so many difficulties in the way of local bodies, I would request the House not to add another, which will be insurmountable. I am sorry that I have to oppose this Bill, but in the interests of the local bodies I have no other alternative.

Pandit Shri Sadayatan Pande : As far as I understand this Bill is intended to obtain greater security for the chairman. It is not meant, as Mr. Brijnandan Lal says, to make the working of the boards impossible.

Mr. Brijnandan Lal : Will you please explain it. I have given an illustration.

Pandit Shri Sadayatan Pande : As far as I have been able to gauge the real intention of the Bill is to secure the position of the chairman. As long as the chairman feels that he is insecure in his place, he cannot work whole-heartedly and with that amount of confidence which the head of a department ought to have. This Bill does not appear to me at all a dangerous measure as my friend termed it. It seems to me quite a sound measure and I think it must get the support of the House and the necessary amendment of three-fifths in place of two-thirds should be made.

Sheikh Muhammad Habibullah : I give my whole-hearted support to the opposition of my friend Mr. Brijnandan Lal. He has rightly characterized the Bill as the most non-democratic measure. It is a retrograde measure as far as democracy is concerned. May I know from the movers of the Bill whether they will appoint a chairman by three-fifths majority. It is really a measure which one cannot understand and make oneself consistent with the principles of democracy. The chairman cannot be said to consider his position secure unless he knows he has got to be turned out if three-fifths of the members to go against him. But he feels certain that he will be appointed a chairman if he gets one vote more than half the number of voting

members. As rightly pointed out by Mr. Brijnandan Lal, a Minister is turned out not only by a bare majority but even by the casting vote of the chairman, while the chairman of the board requires three-fifths majority to dislodge him from his seat. Sir, the time has come when the principles of democracy should be extended to the lower bodies, such as the district boards and municipal boards. We cannot have two sets of laws, we cannot have two sets of morals; we cannot have two sets of principles to guide us at the lower and upper rungs of the ladder. Sir, I think it is really a great mistake if we put the mentality of our local bodies into wrong grooves. One who takes up the chairmanship of a board must take it up with the idea that he will act in a way that he will gain and retain their confidence. It is not that he should rely on the law, that unless there is such majority against him he cannot be turned out. After all a democracy is a democracy. I entirely agree, Sir, with the opposition and give my support to my friend Mr. Brijnandan Lal against the acceptance of the principles of the Bill.

Mr. L. M. Medley : Sir, I come across to the rostrum to speak, it is not because I have a great deal to say; it is merely because I recognize that the acoustics of the hall being what they are, the House does not hear the speeches of honourable members, unless they come up to rostrum to speak. I beg to support the proposal. My honourable friend (Sheikh Muhammad Habibullah) protests that we "should not apply two principles to democracy". Surely though we may recognize two standards of efficiency where they exist. Not every local board has as many responsible members as in this House, or in the larger boards. In small boards it is difficult for a chairman to carry on the administration, dependent as he is on a single vote for his office; where any factional agitation might bring about an adverse vote. In a large body it is a different matter, but it is of the small boards I think. Speaking of my own municipal board, our chairman discussing this subject, said that as far as he is concerned, he would not like to return, if he felt that a majority were against his policy. I think we will all agree with that sentiment; but what of the case of small boards, where it is easy to start factions, where their small numbers make the smallest faction powerful. You are not going to improve municipal administration by making the position of its senior administrative officers weaker. For this reason, I would ask honourable members to reconsider the matter, the standard of efficiency, and only for that reason. In these smaller bodies where four or five members are easier to influence than a larger number in the bigger municipalities. If you want effective and efficient administration you must strengthen, not weaken, the position of the men you have yourselves put in the chair. I do hope honourable members will just reconsider that point and think of smaller boards—not only of the larger boards of which they are members.

Thakur Rampal Singh : Apart from the principle of democracy, I think it is not proper for an honorary man to stick to his post against the wishes of the board. This post carries no pay, and therefore the

Rai Bahadur Babu Jagadeva Roy.]

It is an established fact that 51 are against him and 49 in his favour. Now, what will be the consequence under the present Bill? The margin between 51 and 49 is very thin and the present Bill aims at removing that defect. Let us take a broad view and for that purpose it is aimed through this Bill that 60 should take the place of 51. That is the sum and substance of this Bill. The question therefore is whether a chairman should be removed when the votes against him are 51 or 60 per cent. My point is that we have to take so many things into consideration before we come to the conclusion that the principle of democracy fails. If we say that he can be turned out if there are 60 votes against him, where does the principle of democracy fail? The question is whether we want democracy in name or in substance. Judging from this point of view I would say that it is the beginning and that we have to take into consideration the local factors. It can be only in exceptional cases that the chairman can be supposed to have gone so far wrong as to lose the confidence of the majority of the board, but on the other hand it can be very safely expected that there will be members in every institution who will have some reason or other to be against the chairman and they will do their best to turn him out. We have also to take into consideration that a parallel government is running on the same spot. The chairman exercises control over an area of three or four miles only, while the district magistrate exercises jurisdiction over a much larger area and still he retains the confidence of the Government. How can we say that in the case of the chairman the principle of democracy is failing? There is another equally important point in connexion with this subject. Even this House allowed the passing of a Bill in which the principle of the two-thirds majority has been accepted in the case of the punishment of the secretary of the district board. I would say that this is a very important point for the House to consider. If a secretary cannot be punished or dismissed without a two-thirds majority, where is the principle of democracy?

Mr. Brijnandan Lal : Secretary has got to exercise executive authority.

Rai Bahadur Babu Jagadeva Roy : The suggestion is that the secretary, district board, has to carry out executive functions. I am at a loss to understand this line of demarcation. In the case of chairman of the municipal board the contention seems to be that he is not required to carry out executive work because of the fact that there is an executive officer and a health officer in the municipality. So if the majority of the executive functions will be carried out by the executive and the health officer then it is another strong reason in support of the Bill. The chairman seems to be merely an ornamental head. This being so, what is there to be abused by him? Simply because he cannot carry out the wishes of some of the members of the municipal board he should be turned out. There can be no standard of their wishes. How are we to know whether they want a

wrong thing or a right thing to be done? If he can carry out the wishes of 49 and not of 51 that is no reason why he should be liable to be dismissed. I say that this is not a good reasoning. In view of these points we should not think that the principle of democracy fails. I think we should look to the substance. As we have begun with the Reforms, it is better to strengthen the hands of the representatives of the local self-governing bodies as far as we can, so that we may see the future brighter and brighter. With these words, Sir, I support the motion.

During the course of the above speech the Hon'ble the President resumed the Chair at 4.25 p.m.

Thakur Muneshwar Bakhsh Singh : Sir, I am opposed to the Bill, and I differ from Rai Bahadur Babu Jagadeva Roy in the matter. Sir, the position of the chairman as I understand is that he should continue as long as there is majority in his favour. Chairman is elected by a majority, and as soon as majority feel that the chairman is working against their policy or it has no confidence in him then he should honourably retire from that position and should not seek protection of legislation. I can say that there will be mal-administration in the municipality or in any local body when the chairman has not the confidence of the majority, because at every step there will be obstruction from the majority. To avoid that it is better that as soon as majority is against the chairman he should vacate that office and should not continue as chairman. After all he is elected by a majority and when the majority has no confidence in him then certainly he had no business to occupy that position. So I differ from the Rai Bahadur Sahib and oppose the Bill.

Rao Narsingh Rao : Sir, I also have the same misfortune of opposing this Bill. I do not know whether there is much relevancy in opposing that part of the Bill at this stage, but since I find that that part has been taken up in the debate before this House I would like to say something. Sir, it has been said by more than one honourable member of this House this evening that this is a very wrong principle and this is undemocratic. It is an open secret—Everyone knows it that once you lead an institution on democratic lines where you elect a man by a majority it is absolutely unreasonable to say that you cannot turn him out by a majority. If you can elect him by a majority certainly you should get rid of him by a majority. The result of this Bill if passed would be that as long as a man is not chairman he tries to win the majority which of course he is going to dislike so much after he is elected. The moment he is elected then he becomes sure of his position and he says that now he does not want to take notice of anything at all but he is absolutely certain that if a much smaller portion of the minority is with him he cannot be touched—he has got to remain—he will stick to his position and this is going to be absolutely contrary to the idea with which these district and municipal boards were started. The result in a nutshell would be that after 20 years a child who is born today, you ask him his age and he will be something like five years old in twenty years. And for

Rao Narsingh Rao.]

that reason I say that when we are proceeding on democratic lines we must go ahead and we must not try to go back. If we try to go back then all this fuss is unnecessary. There is a very able district magistrate in every district. He used to look after municipalities—he has so far looked after them, has improved many municipalities—why not make him permanent municipal chairman? He will work all right he will not care for majority or minority, he will have so many officers above him and he will be careful of them. Why make a head who has no one above him and the only check is the majority and if you deprive the majority of power then he is free to do what he likes, constitutional or unconstitutional, just or unjust, proper or improper—he will go on in any way. So this is the position. It goes rather to the very root of the institution and the very rights of democracy. Then, Sir, as much has already been said in this connexion I do not want to take much time of this Council and it is that the Government has so far always been preaching democracy and if now this matter is adopted by the Government, the Government must realize that they will be giving a definite proof to the people of their being anti-democratic, if the Government have anything to do with that.

And with that warning to the Government I say that it will be the bounden duty of the Hon'ble Minister for Local Self-Government to see that his institutions and institutions under him do not create that reputation for which of course although this House would be doing, he would be responsible for the result, and with that, Sir, I oppose this motion before the House.

Pandit Joti Prasad Upadhyaya : Sir, the honourable the speaker who has just preceded me has struck a note of warning to the Government in regard to the motion which is under discussion before the House. I do not think, Sir, the note of warning is quite relevant for the purposes of the present issue. The simple issue before the House is whether we should accept the motion which has been moved by one of the honourable members of this House. That question in itself is a very simple one. Now, Sir, this House has only got to see the material which is before it for its acceptance. As the honourable mover said in his opening speech that the opinion which has been collected as a result of the last motion of the Council which was adopted here is largely in favour of it. On account of this the question is reduced to this whether in view of the material that we have got a *prima facie* case is established for accepting the motion of the honourable mover. We are not here, Sir, for definitely deciding whether this Bill should be finally passed into law, that question will come up before the House some time later. All we have now got to see is whether a *prima facie* case has been made out by the mover for accepting the motion which he has moved only a short while ago for the acceptance of the House. I submit, Sir, that the opinions collected on this Bill are in favour of it—the majority of opinions and I see no reason why the motion which has been made by the honourable member should not be adopted. Much has been said by some of the honourable members about the principles of democracy. I do not think that

Heavens will fall or principles of democracy will be ruthlessly trampled under foot if this motion is accepted. The meaning of democracy as I understand is that when once you have elected a man as head of an institution or head of a body, he should not be troubled for some time. I think he should be given time to show that he is able to carry out the work of the office to which he has been elected. The honourable member seems to be guided merely by sentimental motives and not by true principles of democracy. I do not think, Sir, that there is anything very seriously objectionable in accepting this motion, which is merely for a reference of this Bill to a select committee. The select committee of course should be fully representative, and it should represent all shades and opinions of this House.

And if the select committee reports that the Bill should not be taken into further consideration, this House will have an opportunity to consider what to do. But at present I see no harm in accepting the motion which has been made by the honourable mover and I request the honourable members to accept it.

The Hon'ble the President: The question is that the Bill further to amend the United Provinces Municipalities Act, II of 1916, be referred to a select committee.

The question was put and agreed to after a division, the voting being Ayes, 49; Noes, 12.

Ayes (49)

Abdul Hasan, Saiyid.
Afzal-ud-din Hyder, Shaikh.
Ahmad Sa'id Khan, The Hon'ble Captain
Newab Sir Muhammad.
Ahmad Shah, Mr. E.
Ain-ud din, Khan Bahadur, Saiyid.
Balwant Singh Gahlot, Thakur.
Bennett, Mr. J. R. W.
Bharos, Chaudhri.
Bhonda Ram, Mr.
Birendra Bikram Singh, Raja.
Bisheshwar Dayal Seth, Rai Bahadur, Kunwar.
Blunt, The Hon'ble Mr. E. A. H.
Clay, Mr. J. M.
Dar, Mr. S. S. L.
Fasih-ud-din, Khan Bahadur, Maulvi.
Frampton, Mr. H. J.
Ghasita, Chaudhri.
Girwar Singh, Kunwar.
Hadiyar Khan, Khan Bahadur, Muhammad.
Hollins, Mr. S. T.
Imtiaz Ahmad, Khan Sahib, Muhammad.
Jafer Hosain, Khan Bahadur, Saiyid.
Jagannath Bakhsh Singh, Raja.
Jagadeva Roy, Rai Bahadur, Babu.

Jung Bahadur Singh Bisht, Thakur.
Joti Prasad Upadhyaya, Pandit.
Kharegut, Mr. P. M.
Lane, Mr. H. A.
Muhammad Ali Khan, Khan Sahib, Muhammad.
Mason, Mr. P.
Medley, Mr. L. M.
Muhammad Yusuf, The Hon'ble Nawab Sir.
Nutt, Colonel H. R.
Phul Chand Mogha, Rai Bahadur, Babu.
Rahmat Khan, Mr. Muhammad.
Ram Adhin, Chaudhri.
Ram Chandra, Chaudhri.
Sachyatan Pande, Pandit Shri.
Sathie, Mr. J. L. N.
Shakirudd Khan, Khan Bahadur, Sardar
Muhammad.
Sheo Pratap Singh, Rai Bahadur, Lal.
Shyam Lal, Lal.
Srivastava, The Hon'ble Mr. J. P.
Srivastava, Mrs. Kailash.
Tappu, Mr.
Teyen, Mr. C. St. L.
Vikramajit Singh, Rai Bahadur, Babu.
Whitchead, Mr. J.
Zahid Ali Sabzposh, Khan Bahadur, Saiyid.

Noes (12)

Baldeva, Chaudhri.
Brijnandan Lal, Mr.
Dhirya Singh, Chaudhri.
Habibullah, Shaikh Muhammad.
Karnal Nath, Babu.
Liaquat Ali Khan, Nawabzada Muhammad.

Muneshwar Bakhsh Singh, Thakur.
Narayan Singh Negi, Sardar Bahadur, Thakur
Narsingh Rao, Rao.
Rajeshwari Prasad, Rai.
Ram Pal Singh, Thakur.
Yusuf Ali, Syed.

Lala Shyam Lal : I beg to move that for the select committee on the Bill further to amend the United Provinces Municipalities Act, II of 1916, the following members be elected :

- (1) Mr. J. R. W. Bennett.
- (2) Mr. P. Mason.
- (3) Pandit Shri Sadayatan Pande.
- (4) Khan Bahadur Muhammad Hadiyar Khan.
- (5) Mr. L. M. Medley.
- (6) Kunwar Jagbhan Singh.
- (7) Mr. Brijnandan Lal.
- (8) Pandit Joti Prasad Upadhyaya.
- (9) Rai Bahadur Babu Brijlal Badhwar.
- (10) Mr. Muhammad Rahmat Khan.

Rai Bahadur Babu Vikramajit Singh : I further propose the names of Chaudhri Ramadhin and Khan Bahadur Maulvi Fasih-ud-din.

Mr. J. R. W. Bennett : I propose the name of Mr. Mogha be substituted for my name.

The Hon'ble the President : The motion made was that for the select committee the following members be elected :

- Mr. J. R. W. Bennett.
 Mr. P. Mason.
 Pandit Shri Sadayatan Pande.
 Khan Bahadur Muhammad Hadiyar Khan.
 Mr. L. M. Medley.
 Kunwar Jagbhan Singh.
 Mr. Brijnandan Lal.
 Pandit Joti Prasad Upadhyaya.
 Rai Bahadur Babu Brij Lal Badhwar and
 Mr. Muhammad Rahmat Khan.

Since when two amendments have been proposed, namely that the names of Chaudhri Ramadhin and Khan Bahadur Maulvi Fasih-ud-din be added and that for Mr. Bennett the name of Mr. Mogha be substituted.

The question is that for Mr. Bennett the name of Mr. Mogha be substituted.

The question was put and agreed to.

The Hon'ble the President : As there are twelve names proposed for ten seats, an election by means of the single transferrable vote will have to be held. The best thing would be, I think for honourable members to vote for this tomorrow at about 12 noon.

The Council was then adjourned at 4.50 p.m. till the following day.

APPENDIX A

(See page 50, *supra*)

Statement showing the names, qualifications, age and community of women members nominated to district boards referred to in question no. 11, dated February 16, 1933, asked by Mr. E. AHMAD SHAH

Name of district boards	Particulars of the women nominated				Community (Muslim, Christian, or other)
	Name	Qualifications	Age		
Dehra Dun ..	Miss Stehelin	Not known	Between 50 and 60 years.	..	Christian.
Saharanpur ..	Mrs. S. B. Powell	Not known	About 38 years.	..	Christian.
Muzaffarnagar	Shrimati Raj Kali Devi, Head Mistress, Arya Kanya Pathshala, Muzaffarnagar.	Well educated. (Particulars not known)..	Not known.	..	Other.
Meerut ..	Miss M. V. Singh, teacher, M. E. Mission Girls' School, Meerut.	B.A. (Trained teacher)	Not known	..	Christian.
Aligarh ..	Miss K. Abdullah, Principal, Muslim Girls' Intermediate College, Aligarh.	Highly educated and cultured. (Particulars not known)	Not known.		Muslim.
Muttra ..	Mst. Bhagwati Debi, daughter of retired Subedar Sher Singh, of Bhudari.	Knows Urdu, Hindi and a little English ..	Not known.	..	Other.
Agra ..	Mrs. Simeon, wife of Mr. G. A. Simeon, Agra ..	Studied upto Matric, passed L. M. P. from Women's Medical School, Agra, knows English, Hindi and Urdu well.	39 years		Christian.
Bareilly ..	Pandita Savitri Devi, wife of Babu Chandra Narayan Sakseena, M.A., M.B.A.S.	Knows English, Sanskrit, Hindi and Urdu very well. Passed Madhyama Examination in Sanskrit and has read upto Entrance class. Knows Ayurveda.	Not known		Other.

Statement showing the names, qualifications, age and community of women members nominated to district boards—(concluded)

Name of district board.	Particulars of the women nominated				Community (Muslim, Christian or other)
	Name	Qualification	Age		
Bijnor ..	Miss Olive Dunn, District Evangelist, Methodist Episcopal Mission, Bijnor.	Not known. Has eight schools under her supervision ..	37 years		Christian.
Budaun ..	Shrinati Shushila Devi, wife of Babu Krishna Murari, Advocate, Budaun.	Educated. (Particulars not known) ..	Not known		Other.
Moradabad ..	Mrs. A. Stephens, wife of the municipal tax superintendent, Moradabad.	Lady doctor ..	Not known		Christian.
Shahjahanpur ..	Mst. Jasoda Devi, wife of Babu Raghunath Sahai, Vakil.	Very well qualified in Hindi. Has passed an examination in Hindi which is equivalent to the B.A. degree. Knows some English also.	32 years.		Other.
Pilibhit ..	Mrs. T. K. Naurahi Baijnath ..	Doctor in charge of the Dufferin Hospital, Pilibhit ..	Not known		Other.
Etawah ..	Mst. Vidyavati, wife of Pandit, Babu Ram Sharma, B.A., LL.B., Advocate, Etawah.	Not known ..	Not known		Other.
Cawnpore ..	Mrs. Kalawati Pande ..	Can read and write Hindi well. (Particulars not known)	Not known		Other.
Fatehpur ..	Mrs. Ahmadi Begam Maqsood ..	Not known ..	Not known		Muslim.
Allahabad ..	Miss S. Agha ..	Highly educated and interested in the cause of education. (Particulars not known.)	Not known		Other.
Jalaun ..	Shrinati Mahadevi Tewari, wife of Pandit B. Bhadra Tewari.	Knows Hindi perfectly well ..	About 29 years.		Other.
Mirzapur ..	Mrs. Nath, wife of Mr. N. G. Nath, Head Master, the Babu Lal Jaiswal High School.	Formerly an Inspectress of Schools in Bihar and Orissa. (Particulars not known.)	Not known		Other.

Balia	..	Mrs. Esther Anderson Illahi Baksh	..	M. D.	..	..	Not known	Christian.
Gorakhpur	..	Mrs. Agha, wife of Dr. Agha, Assistant Medical Officer, Railway Hospital, Gorakhpur.	..	M. A. (Philosophy)	..	..	Not known	Other.
Azamgarh	..	Shrimati Maetri Devi Asthana, wife of Babu Umesh Chandra Asthana, Assistant Master, Wesley High School, Azamgarh.	..	Read upto 6th standard and knows both Urdu and Hindi	..	..	Not known	Other.
Naini Tal	..	Shrimati Dharma Devi, wife of Thakur Jasoda Singh Bisht, Chairman, Naini Tal District Board.	..	Knows Hindi. (Particulars not known)	..	..	Not known	Other.
Almora	..	Mrs. Jang Bahadur Singh, wife of Thakur Jang Bahadur Singh Bisht, M.A., Chairman, District Board of Almora.	..	Not known	..	..	Not known	Other.
Lucknow	..	Miss E. M. Dube, Principal, Mahila Vidyalaya Intermediate College, Lucknow.	..	M. A., L. T.	..	..	Not known	Christian.
Unao	..	Sajida Begum, wife of M. Syed Hasan Raza	..	Knows English, Persian and Urdu. (Particulars not known).	..	..	Not known	Muslim.
Sitapur	..	Miss Grace Marshall Bates, Manager, Girls' Mission School, Sitapur.	..	Not known	..	..	Not known	Christian.
Fyzabad	..	Mrs. M. M. Taleyar Khan	..	A very talented lady. Knows English very well. (Particulars not known.)	..	..	Not known	Other.

APPENDIX B

(See page 50, *supra*)

Statement showing the names and qualifications, etc., of women nominated to municipal boards referred to in answer to question no. 11 of February 16, 1933, asked by Mr. F. AHMAD SHAH

Name of municipal board	Particulars of the women nominated			
	Name	Qualifications	Age	Community
1	2	3	4	5
Dehra	Mrs. K. K. Banerjee ..	B. A. ..	Not known	Christian.
Saharanpur	Mst. Jafri Begum, wife of Haji Saiyid Abdullah	Mistress of a Girls' School ..	30	Muslim.
Hardwar-Union	Dr. Savitri Bai ..	Is in charge of the female dispensary ..	35	Hindu.
Roorkee	Shrinati Ishwar Rati, wife of Babu Shib Charan Das.	Secretary of the Women's League, Roorkee. ..	30	Hindu.
Muzaffarnagar	Mst. Anna Khatun Iftat, wife of Shaikh Nazir Hasan.	Literate in Urdu and Persian and knows some English also.	27	Muslim.
Meerut	Dr. Miss C. M. John ..	Studied at the University College, London, and took the certificate of Midwifery at Dublin.	44	Christian.
Paraut	Mrs. P. Haider Ali, wife of Revd. Haider Ali ..	Has passed the Vernacular Final and the Vernacular Training Examinations and knows English also.	35	Christian.
Ghaziabad	Miss M. O. Woodhouse ..	English Missionary lady interested in female education	44	Christian.
Sikandrabad	Mrs. S. Massey ..	Studied up to Middle standard ..	35	Christian.
Koili (Aligarh)	Mrs. M. M. Sharif ..	Not known ..	..	Muslim.
Hathras	Bai Soonabai Dhanjishaw, wife of Mr. Dhanjishaw, Master.	Knows English, Gujrati and vernaculars of the province	32	Parsee.

Matara	..	Dr. Miss A. A. Walters	..	Licentiate of the Medical College, Calcutta	..	54	Christian.
Brindaban	..	Miss E. Porter	..	Is in charge of the Zenana hospital and holds a Kaiser-i-Hind Medal of the second class.	..	48	Christian.
Agra	..	Mrs. G. Merriman	..	Read up to B. A. class	..	36	Christian.
Ferozabad	..	Mrs. Bhawani Shankar Varma	..	Read up to Middle standard (Hindi and English)	..	40	Hindu.
Mainpuri	..	Mrs. Bilqis Begum, wife of Khan Bahadur Muhammad Hadyar Khan, M.L.C.	..	Studied Urdu and Hindi privately and can read and write fairly.	..	35	Muslim.
Kasganj	..	Mrs. Bray	..	Passed the Middle School Examination from the English Girls' School, Simla, and can speak the vernaculars of the province.	..	26	Christian.
Bareilly	..	Mst. C. Morton (Muslim name Sadiqa Khatun)	..	Private Medical Practitioner	..	Now known	Muslim.
Bijnor	..	Musammam Husna Begum	..	Literate	..	42	Muslim.
Budaun	..	Mrs. Ashfaq Husain	..	Can read and write English and Urdu well	..	Not known	Muslim.
Sahaswan	..	Mrs. S. Z. Nicholson	..	Studied up to English Middle standard and knows Urdu and Hindi both.	..	Not known	Christian.
Moradabad	..	Begum Shahid Husain	..	Read up to Intermediate standard at the Isabella Thoburn College, Lucknow.	..	22	Muslim.
Chandausi	..	Shrimati Dhanvati Debi, wife of Lala Bidhi Chand.	..	Knows Hindi	..	Not known	Hindu.
Sambhal	..	Mrs. A. E. Jackson	..	Read up to 8th standard of an English Girls' School with Urdu and Persian among her subjects and a little Hindi.	..	48	Christian.
Shahjahanpur	..	Mrs. Rufus Charan, wife of the Head Master of Mission High School.	..	Passed the Matriculation Examination	..	50	Christian
Pilibhit	..	Dr. Begum Abdul Ghafur	..	She is L. M. P.	..	Now known	Muslim.
Fatehgarh-cum-Farrukhabad.	..	Begum A. K. Khan	..	Passed the Girls' Vernacular Middle Examination	..	35	Muslim.

Statement showing the names and qualifications, etc., of women nominated to municipal boards—(concluded).

Name of municipal board.	Particulars of the women nominated.			
	Name.	Qualifications	Age.	Community.
1	2	3	4	5
Kanauj ..	Shrinati Saraswati Bai Devi, wife of Pandit Chintaman.	Knows Hindi	30	Hindu.
Cawnpore ..	Mrs. Kalka Prasad Bhatnagar ..	B. A.	34	Hindu.
Fatehpur ..	Dr. G. J. Smith, S.B.M.D. ..	Lady Doctor in charge of the Lilley Lytle Broadwell Hospital.	Not known	Christian.
Allahabad ..	Miss L. W. Clarke ..	M.A., LL.B., L.T. ..	35	Christian.
Orai ..	Shrinati Shanta Devi, wife of Pandit Balkrishna Sharma.	Knows Hindi perfectly well ..	28	Hindu.
Kalpi ..	Shrinati Shankari Devi Nigam, wife of Babu Daya Shankar Nigam.	Knows Hindi very well ..	30	Hindu.
Banda ..	Shrinati Jaggio Bai Sethani ..	Is a zamindar and literate and has general intelligence and business ability.	59	Hindu.
Mirzapur ..	Miss Butcher of the B. C. M. Society ..	Engaged in maternity work. Holds Oxford and Cambridge Board Higher certificate.	33	Christian.
Ballia ..	Shrinati Uma Lalita Devi ..	Head Mistress of the R. S. I. Girls' School, Ballia. Has passed Vidya Vinodini Examination of Mahila Vidya Pith, Allahabad.	Not known	Hindu.
Gorakhpur ..	Mrs. Zutshi ..	Has passed the Matriculation Examination (Allahabad)	Not known	Hindu.
Azamgarh ..	Shrinati Matri Devi Asthana ..	Has read up to 6th standard and knows Urdu and Hindi. Honorary Librarian of Mehta Library and House Mother in the Seva Samiti Scout Ashram.	Now known	Hindu.

Almorá	..	Mrs. Daniel Pant	..	..	She is educated and takes keen interest in the welfare of women.	Not known	Christian.
Kashipur	..	Dr. Miss Ganga Bai Sharma	..	..	L. S. M. F. and is in charge of Dufferin Hospital; Kashipur.	26	Hindu.
Lucknow	..	Begum Habibullah, wife of Saikh Muhammad Habibullah, O.B.E., M.L.C.	..	..	..	Not known	Muslim.
Unao	..	Shrimati Kanta Devi, wife of Babu Maheshwari Prasad.	..	..	Knows Hindi and is interested in social reforms.	44	Hindu.
Rae Bareilly	..	Mrs. Muhammad Afzal.	..	..	She is an English lady	Not known	Muslim.
Lakhimpur	..	Shrimati Tara Dikshit, wife of Pandit Suraj Narain Dikshit.	..	..	Studied English up to the 7th standard and Hindi up to the Vernacular Middle standard.	33	Hindu.
Fyzabad	..	Shrimati Brij Raj Kishori Sinha, wife of Babu Ram Saran Sinha.	..	..	Knows Hindi, Urdu, some English and Sanskrit too	55	Hindu.
Gonda	..	Miss Tara Manorama David	..	..	B. A. Vice-Principal, Chambers Memorial Girls' School	32	Christian.
Bahrampur	..	Miss Birch	..	..	Lady Principal, Girls' School. Has passed the High School Examination.	51	Christian.
Sultanpur	..	Rani Bhubneshwari Raj Lakshmi Devi Sahiba of Kirwar.	..	..	..	..	Hindu.
Bela (Partabgarh).	..	Mrs. Williams	..	..	She knows English well. (By profession she is a private teacher).	Not known	Christian.

APPENDIX C

(See page 52 supra)

List referred to in answer to starred Council question no. 16 for
16th February, 1933, asked by Chaukhri Ram Chandra Sahib

*Names of the executants of Agreement dated the 19th May, 1897,
registered on the 19th May, 1897, in favour of Kunwar Usuf Ali
Khan Sahib son of Nawab Mahmud Ali Khan Sahib of Chhatari*

Name	Father's name	Caste
1. Panna Lal	.. Nand Kishore	.. Brahman.
2. Kunj Bihari Lal	.. Govind Ram	.. Do.
3. Sudharsi Lal	.. Babu Chhotey Lall	.. Jaiswal.
4. Bihari Lall	.. Jugal Kishore	.. Kayasth.
5. Bansidhar	Hiraman	.. Jaiswal.
6. Parshadi Lall	.. Daulat Ram	.. Agarwal.
7. Khayali Ram	.. Dalchand	.. Jaiswal.
8. Tika Ram	.. Kalyan	.. Barahseni.
9. Chiranji Lall	.. Har Sukh	.. Agarwal.
10. Ram Lall	.. Lachhman	.. Do.
11. Gopal	.. Zaharmal	.. Barahseni.
12. Tika Ram	.. Chunni Lall	.. Agarwal.
13. Mohan Lall	.. Bhojraj ..	.. Zargar.
14. Budh Sen	.. Tikam ..	.. Brahman.
15. Chadammi Lall	.. Hulasi Rai	.. Agarwal.
16. Sahasram	.. Budhsen	.. Barahseni.
17. Ganesh ..	.. Sadasukh	.. Agarwal.
18. Khairati Lall	.. Tika Ram	.. Barahseni.
19. Budh Sen	.. Chhotey Lal	.. Zargar.
20. Ulamal ..	.. Jhamman Lal	.. Barahseni.
21. Kali Charan	.. Angan Lal	.. Kayasth.
22. Mangal Sen	.. Baldeo ..	.. Zargar.
23. Madar Bux	.. Imam Bux	.. Sheikh.
24. Amir Uddin	.. Faiz Bux	.. Do.
25. Ghulam Husain	.. Imam Bux	.. Do.
26. Qiyamuddin	.. Waziruddin	.. Do.
27. Rahm Ali	.. Syed Ali ..	.. Syed.
28. Mansab Ali	.. Madad Ali	.. Sheikh.
29. Tahawar Ali	.. Nazeer Ali	.. Syed.
30. Inayat Husain	.. Illahi Bux	.. Sheikh.
31. Khiali Ram	.. Matra Mal	.. Barahseni.
32. Dwarka Pershad	.. Kalyan Dass	.. Agarwal.
33. Daulat Ram	.. Chunni Lall	.. Kayasth.
34. Mathura Prasad	.. Shiv Charan Lal	.. Do.
35. Jagannath Pershad	.. Gopal Prasad	.. Brahman.
36. Keshav Deo	.. Chiranji Lal	.. Do.
37. Rangi Lall	.. Sujan Singh	.. Jaiswal.
38. Badri Das	.. Sundar Lall	.. Agarwal.

APPENDIX D

(See page 52 *supra*)

Statement referred to in the answer to starred question no. 17 for 16th February, 1933, asked by MR. C. Y. CHINTAMANI showing the number of convictions for political offences obtained in the following districts since December, 1931 :

	Meerut	426
	Agra	675
	Farrukhabad	372
	Etawah	260
	Cawnpore	1,540
	Fatehpur	570
	Allahabad	1,685
Districts in which both the United Provinces Special Powers Act, and the Criminal Law Amendment Act, 1932, are in force.	Hamirpur	289
	Benares	722
	Ghazipur	436
	Unao	183
	Rae Bareli	262
	Hardoi	205
	Partabgarh	181
	Saharanpur	317
	Muzaffarnagar	224
Districts in which only the Criminal Law Amendment Act, 1932, is in force.	Muttra	329
	Pilibhit	116
	Lucknow	868
	Sitapur	198

APPENDIX E

(See page 53 *supra*)

Copy of remarks recorded by the Hon'ble the Home Member to Government, United Provinces, on the occasion of his visit to the District Jail at Fyzabad, on 7th August, 1932, referred to in reply to starred question no. 29 for 16th February, 1933, asked by MR. C. Y. CHINTAMANI.

I visited the District Jail, Fyzabad, today. I saw the kitchens of both "B" and "C" class prisoners and found the food quite satisfactory. There have been a good deal of complaints about the discipline in this jail which seems to have improved since the new Superintendent has taken over charge. One "B" class prisoner from the hills said that he would like to have a mosquito net because they give him too much trouble since in the hills they do not have mosquitoes. As a matter of right we give them to "A" class prisoners only; of course on medical grounds they can be given even to "B" class prisoners but I should like to leave this to the discretion of the Superintendent. He told me that he had already given these to one or two on medical grounds and if he thinks that on medical grounds it should be given to this person I see no objection to it. The health of the prisoners seems to be good and most of the few that are in the hospital are suffering from wounds that they had received before they came into the jail.

APPENDIX F

(See page 56 *supra*)

Copy of representation, dated the 3rd August, 1932, from the residents of Kashipur sub-division, referred to in reply to starred question no. 40 for 16th February, 1933, asked by BABU RAM BAHADUR SAKSENA.

The applicants submit as follows :

1. That since long the same person acts as Sub-Divisional Magistrate and Assistant Collector, 1st class, at Kashipur.
2. That Babu Mohinimohan Lal is acting as Sub-Judge, Assistant Collector and Sub-Divisional Magistrate at Kashipur at present.
3. That the Sub-Divisional Magistrate, Sub-Judge and Assistant Collector, Kashipur, has been suffering from diabetes and other ailments for a long time.
4. That several operations have been performed by doctors on the said Sub-Divisional Magistrate, Sub-Judge and Assistant Collector, Kashipur, during the last one month.
5. That the said Sub-Divisional Magistrate, Sub-Judge and Assistant Collector, Kashipur, has been confined to bed for about a month.
6. That the whole work of the Sub-Judge, Assistant Collector, 1st class, and Sub-Divisional Magistrate is in the hands of his reader and ahlmads who write all the order sheets and statements even of the English records, some of which are typed merely to evade disclosure of their originator and to avoid trouble and inconvenience to the Sub-Judge, Assistant Collector, 1st class, and Sub-Divisional Magistrate, Kashipur, who is mostly absent from these proceedings as he is unable to sit down in direct contravention of General Rules (Civil), Chapter I, rule 3.
7. That the Sub-Divisional Magistrate, Sub-Judge and Assistant Collector, 1st class, Kashipur, is not in a healthy state of body and mind—many operations having been performed on his face, head and eyelids, and his head, forehead and one eye and a finger being still bandaged there being effusions of pus and bad matter from these portions.
8. That the said Sub-Judge, Sub-Divisional Magistrate and Assistant Collector, 1st class, Kashipur, has with the aid and assistance of *Vaishyas* shifted into Agarwal Sabha house situated in the town from his bungalow which is at a distance of one mile from the town and has got a small thatched hut made just outside the Agarwal Sabha house, which hut is used as the Court house of the Sub-Judge, Assistant Collector, 1st class, and Sub-Divisional Magistrate, Kashipur.
9. That the litigant public has during the court hours to undergo the inconveniences of weather standing on the municipal road outside the said hut as the hut cannot accommodate more than 10 or 12 persons.
10. That it is highly undesirable that such an important personage as the Sub-Judge, the Assistant Collector, 1st class, and the Sub-Divisional Magistrate, Kashipur, be compelled to work under the above circumstances.

11. That it is desirable that a man of sound health both of body and mind should occupy the envied position of Sub-Judge, the Assistant Collector, 1st class, and the Sub-Divisional Magistrate, Kashipur, as the man in these positions has to perform important functions requiring greatest care, caution and judgment.

12. That the applicants have to bear great hardship, inconvenience, expense and injustice, as dates are fixed for evidence, witnesses have to come and return nothing except postponment of dates being done in the cases.

13. That under the circumstances it is highly desirable in the interest of suffering health of the Sub-Judge, Assistant Collector, 1st class, and the Sub-Divisional Magistrate, Kashipur, and in the interest of justice that the present Sub-Judge, Assistant Collector, 1st class, and the Sub-Divisional Magistrate of Kashipur be made to retire and take rest and some other man be appointed in his place.

14. That the public of Kashipur Sub-Division therefore respectfully pray :

(a) That the present Sub-Judge, Assistant Collector, 1st class and the Sub-Divisional Magistrate, Kashipur, be made to retire.

(b) That some other person in a fit state of health and fit to discharge judicial functions be appointed as Sub-Judge, Assistant Collector, 1st class, and Sub-Divisional Magistrate, Kashipur.

(c) That the court be closed till the appointment and arrival of the new Sub-Judge, Assistant Collector, 1st class, and Sub-Divisional Magistrate, Kashipur, to avoid injustice being done to the litigant public.

LEGISLATIVE COUNCIL UNITED PROVINCES OF AGRA AND OUDH

Friday, 17th February, 1933.

THE Council met at the Council House, Lucknow, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (87) :

The Hon'ble Mr. E. A. H. Blunt.
The Hon'ble Captain Nawab Sir Muhammad Ahmad Sa'id Khan.
The Hon'ble Nawab Sir Muhammad Yusuf.
The Hon'ble Mr. J. P. Srivastava.
Mr. J. M. Clay.
Mr. C. St. L. Teyen.
Mr. P. Mason.
Mr. P. M. Kharegat.
Mr. H. A. Lane.
Mr. J. B. W. Bennett.
Colonel H. R. Nutt.
Mr. H. J. Frampton.
Khan Bahadur Saiyid Ain-ud-din.
Rai Bahadur Babu Phul Chand Mogha.
Mr. J. N. L. Sathé.
Mr. S. S. L. Dar.
Mr. J. Whitehead.
Mr. S. T. Hollins.
Saiyid Abdul Hasan.
Mrs. Kailash Srivastava.
Khan Bahadur Maulvi Fasih-ud-din.
Mr. E. Ahmad Shah.
Rai Sahib Babu Rama Charana.
Mr. Perma.
Rai Bahadur Babu Kamta Prasad Kakkar.
Chaudhri Jagarnath.
Chandhri Baldeva.
Mr. Tappu Ram.
Chaudhri Ram Chandra.
Chaudhri Ghasita.
Chaudhri Arjuna Singh.
Kunwar Girwar Singh.
Pandit Joti Prasad Upadhyaya.
Chaudhri Dhirya Singh.
Thakur Balwant Singh Gahlot.
Rai Bahadur Mr. Brij Lal Badhwar.
Rai Bahadur Babu Manmohan Sahai.
Babu Ram Bahadur Saksena.
Lala Shyam Lal.
Babu Kamta Nath.
Mr. Brijnandan Lal.
Rao Narsingh Rao.
Chaudhri Ram Adhin.
Mr. Bhondu Ram.
Chaudhri Bharos.
Pandit Shri Sadayatan Fande.

Raja Sri Krishna Dutt Dube.
Rai Bahadur Babu Jagadeva Roy.
Mr. Dahari.
Rai Sahib Rajeshwari Prasad.
Babu Adya Prasad.
Thakur Giriraj Singh.
Pandit Prem Ballabh Belwal.
Thakur Jang Bahadur Singh Bisht.
Sardar Bahadur Thakur Narayan Singh Negi.
Pandit Brahma Dutt alias Bhaiya Sahib.
Rai Bahadur Thakur Hanuman Singh.
Rai Bahadur Lal Sheo Pratap Singh.
Kunwar Diwakar Prakash Singh.
Thakur Muneshwar Bakhsh Singh.
Raja Birendra Bikram Singh.
Rai Bahadur Kunwar Surendra Pratap Sahi.
Mr. Zahur Ahmad.
Syed Yusuf Ali.
Captain Nawab Muhammad Jamshed Ali Khan.
Nawabzada Muhammad Liaquat Ali Khan.
Mr. Muhammad Rahmat Khan.
Khan Bahadur Muhammad Hadiyar Khan.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Maulvi Saiyid Habibullah.
Khan Bahadur Saiyid Zahid Ali Sabzposh.
Khan Bahadur Shaikh Ghulam Husain.
Khan Bahadur Hafiz Ghazanfarullah.
Khan Bahadur Saiyid Jafer Hosain.
Shaikh Afzal-ud-din Hyder.
Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan.
Khan Bahadur Sardar Muhammad Shakirdad Khan.
Khan Sahib Muhammad Imtiaz Ahmad.
Shaikh Muhammad Habibullah.
Raja Sir Muhammad Ejaz Rasul Khan.
Mr. L. M. Medley.
Chaudhri Muhammad Ali.
Thakur Rampal Singh.
Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Raja Jagannath Bakhsh Singh.
Rai Bahadur Babu Vikramajit Singh.
Babu Gajadhar Prasad.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

BUNDELKHAND LAND ALIENATION ACT

*1. **Babu Kamta Nath Saksena** : Is the classification of the members of agricultural and non-agricultural tribes for the purpose of the Bundelkhand Alienation of Land Act based on castes?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt) : Yes.

*2. **Babu Kamta Nath Saksena** : Will the Government be pleased to state what castes have been declared to be agricultural tribes for the purpose of the Bundelkhand Alienation of Land Act (Act II of 1903).

The Hon'ble the Finance Member : (1) Thakurs, (2) Brahmans (except Marwari Brahmans), (3) Bhuinhars, (4) Kurmis, (5) Ahirs, (6) Kachhis, (7) Malis, (8) Muraos, (9) Gadariyas, (10) Lodhis and Lodhas, (11) Musalman Rajputs, (12) Gujars of Jalaun District, and (13) Gonds of villages Lakhanjir, Gonthra and Papro, pargana Madaura, district Jhansi.

*3. **Babu Kamta Nath Saksena** : Will the Government be pleased to state what bodies of persons from among the Muslims have been declared to be members of agricultural tribes in Bundelkhand? What percentage do they form of the entire Muslim population in Bundelkhand?

The Hon'ble the Finance Member : Musalman Rajputs. 0.45 per cent.

*4. **Babu Kamta Nath Saksena** : Are Government aware that social conditions of Bundelkhand have undergone a great change after 1903 both among Hindus and Muhammadans and membership of particular caste or community is no standard now of judging the occupation followed by the different individuals?

*5. **Babu Kamta Nath Saksena** : (a) Are Government aware that a fairly large number of persons of non-agricultural classes in Bundelkhand depend solely on agriculture or zamindari as their occupation?

(b) If the answer is in the affirmative, what relief do Government propose to give to such class of persons so far as alienations of their lands are concerned?

*6. **Babu Kamta Nath Saksena** : (a) Are Government aware that a fairly large number of persons who are classed as members of agricultural tribe under the Bundelkhand Alienation of Land Act follow professions other than agriculture or zamindari?

(b) Do Government propose to take any steps to exclude such persons from classification as members of agricultural tribes? If so, what are those measures?

*7. **Babu Kamta Nath Saksena** : (a) Are Government aware that civil courts cannot order even temporary alienations of land in execution of simple money decrees against members of agricultural tribes in the territories where the Bundelkhand Alienation of Land Act applies?

(b) Are Government aware that a large number of such decrees remain unsatisfied, even though the judgment-debtors may be possessed of considerable landed property?

(c) Do Government propose to give some relief to decree-holders in such cases? If so, in what form?

*8. **Babu Kamta Nath Saksena:** (a) Are Government aware that lands belonging to debtors of agricultural tribes in Bundelkhand do not vest in the receiver in insolvency proceedings and that the insolvency courts cannot even temporarily alienate such lands even though such debtors be possessed of considerable landed property?

(b) Is it a fact that in view of the above restrictions on alienations of land, there is a great rush of landholder-debtors to the insolvency courts and such restrictions are proving very unfair to the creditors in the insolvency courts?

(c) Are Government considering any measures to solve these difficulties of the creditors in insolvency courts in the territories where the Bundelkhand Alienation of Land Act applies? If so, what are those measures?

*9. **Babu Kamta Nath Saksena:** (a) Is it a fact that restrictions have been imposed under the Bundelkhand Alienation of Land Act on non-residents of the district or territories where the said Act applies, regarding alienations of lands in their favour?

(b) Do Government know that the term "resident" has nowhere been defined in the Bundelkhand Alienation of Land Act?

(c) Will the Government be pleased to state what are the requisite qualifications for a person to be considered a resident of the district or territory where the said Act applies?

The Hon'ble the Finance Member: Inquiries have been made from the Commissioner, Jhansi. A reply will be given later.

Rai Bahadur Babu Vikramajit Singh: May I know if the replies to these questions will be given during the present session?

The Hon'ble the Finance Member: It is rather a difficult question. I fancy that it will take a certain time to get information: but as the session is a long one we may be able to gather information and give it. I shall do my best.

RESTRICTION ON CERTAIN NEWSPAPERS AND PERIODICALS FOR THEIR USE IN EDUCATIONAL INSTITUTIONS

*10. **Thakur Keshava Chandra Singh:** (1) Have Government put a ban on certain newspapers and periodicals that they should not be subscribed by Government aided or affiliated educational institutions in these provinces?

(2) If so, will the Government be pleased to lay on the table a list of such newspapers and periodicals?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava): (1) No. But the Director of Public Instruction in 1930 issued instructions to the effect that the reading rooms of educational institutions should not subscribe for certain periodicals and papers which are unsuitable for educational institutions.

(2) It is not desirable to publish a list,

and in question
longing

**APPOINTMENT OF PANDIT SALIG RAM AS ENGINEER OF THE
BANDA DISTRICT BOARD**

***11. Thakur Keshava Chandra Singh:** Are Government aware that, notwithstanding Government's express orders refusing sanction for the appointment of Pandit Salig Ram as engineer of the District Board, Banda, he is still being retained as engineer of District Board, Banda, and paid out of District Board general fund?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf): Inquiry made from the Commissioner shows that the Board has not yet considered the matter and that Pandit Salig Ram has continued meanwhile to work as the Board's engineer in spite of G. O. no. 2393/IX-75, dated the 5th November, 1932, refusing sanction to his permanent appointment, although he has not been given pay since 1st August, 1932.

**NON-PAYMENT OF THE DUES OF CONTRACTORS BY THE BANDA
DISTRICT BOARD**

***12. Thakur Keshava Chandra Singh:** Are Government aware that there is a general complaint of the non-payment of the dues of the contractors by the District Board, Banda, since January, 1932?

The Hon'ble the Minister for Local Self-Government: Yes.

BANDA DISTRICT BOARD

***13. Thakur Keshava Chandra Singh:** Is this a fact that the Commissioner of Jhansi Division has asked the Chairman, District Board, Banda, to explain the reason of the apathy and want of interest on the part of the members in the Board's affairs?

The Hon'ble the Minister for Local Self-Government: Yes.

***14. Thakur Keshava Chandra Singh:** (a) Is it a fact that the Commissioner of Jhansi Division has, in his last inspection note of Banda District Board, expressed extreme dissatisfaction at the management of the Board's affairs and advised the present Chairman to be more active and careful in the future?

(b) Will the Government be pleased to lay a copy of his last inspection note on the table?

14. The Hon'ble the Minister for Local Self-Government: (a) The Commissioner pointed out certain defects in the work of the office of the Board.

(b) A copy of his inspection note is laid on the honourable member's table.

(See Appendix A, page 177.)

CHAIRMAN, BANDA DISTRICT BOARD.

***15. Thakur Keshava Chandra Singh:** (a) Are Government aware that several members of the District Board have sent a resolution of no confidence against the present Chairman and the Chairman has, neither resigned within three days from the receipt of the no-confidence motion nor laid it in open Board?

(b) What action does the Government propose to take against the present Chairman for his above action?

The Hon'ble the Minister for Local Self-Government : (a) An inquiry is being made by the Commissioner into the allegations contained in this question.

(b) Government do not propose to take any action until the Commissioner's report has been received.

PERIODICAL ENHANCEMENTS UNDER SECTION 63-N OF THE LAND REVENUE ACT

*** 16. Rai Sahib Lala Anand Sarup :** Will the Government be pleased to give the following information?

(a) The districts where settlements have been made since 1920.

(b) The amount of periodical enhancements made under section 63-N of the Land Revenue Act in the above districts and the years in which they were to be realized.

The Hon'ble the Finance Member : A statement is laid on the honourable member's table.

(See Appendix B, page 179.)

COMBINATION OF THE POST OF CHIEF ENGINEER, IRRIGATION BRANCH, WITH THE POST OF SUPERINTENDING ENGINEER, ELECTRIC DIVISION

*** 17. Rai Sahib Lala Anand Sarup :** (1) Is it a fact that Mr. Stampe, Chief Engineer, Irrigation Branch, is holding in addition to his own duties the post of Superintending Engineer, Electric Division?

(2) Is any allowance given to him for the extra work? If so, how much?

The Hon'ble the Finance Member : (1) The post of Superintending Engineer, Hydro-Electric Circle, has been held in abeyance from 18th October, 1932. The Chief Engineer (Western Canals) administers the hydro-electric scheme direct, whilst the Superintending Engineer, I Circle, administers the state tube-well irrigation organization under the Chief Engineer.

(2) No extra allowance is drawn by the Chief Engineer for the extra work involved. The Superintending Engineer draws an allowance of Rs.200 per mensem for additional work in connexion with State wells.

The arrangements are provisional pending the further development of the scheme.

METALLED ROAD ON THE CANAL BANK BETWEEN ROORKEE AND HARDWAR

*** 18. Rai Sahib Lala Anand Sarup :** (a) For what distance has the road on the canal bank from Roorkee to Hardwar been metalled?

(b) Is it a fact that for the remaining road ballast has been collected on the road for the last one year and only labour is required to consolidate it?

(c) Do Government intend to sanction the above amount for labour in the budget for the next year?

The Hon'ble the Minister for Local Self-Government : (a) Nearly eight miles.

(b) Boulders have been collected which have yet to be broken before they can be consolidated. Land has to be acquired for the road in one section and bridges need alterations.

(c) Government have made no provision in the next year's budget, but hope to be able to do so in 1934-35.

**MONOPOLY OF PLYING BUSES ON THE KACHOHA ROAD BETWEEN
ROORKEE AND HARDWAR**

* 19. **Rai Sahib Lala Anand Sarup:** (1) Is it a fact that the monopoly of plying buses on the *kachcha* road from Roorkee to Hardwar and vice versa is given to one Amba Prasad who does not ply his own buses, but charges Rs.7 per bus per trip from the owners of buses whether they are of Saharanpur District or from other districts like Muzaffarnagar, Meerut or Bijnor?

(2) Why is such a monopoly given to one person?

(3) Why is he allowed to charge Rs.7 for every bus per trip when the road is a public road?

(4) What amount is charged from him either by the district board or by the Government?

(5) Do Government know that the income of Amba Prasad from this road alone is about Rs.1,000 per month?

The Hon'ble the Minister for Local Self-Government: Inquiry is being made and a reply will be given later.

**MANAGEMENT OF THE TEMPLES OF SHRI KEDARNATH AND
BADRINATH.**

* 20 **Rai Sahib Lala Anand Sarup:** (1) Were the temples of Shri Kedarnathji and Shri Badrinathji, Garhwal, with the territories and the endowed properties relating thereto managed and administered by His Highness the Maharaja of Tehri under his direct supervision till a lease of the said territories was obtained along with other hill territories by the British Government from the Tehri State; and are Government considering or going to consider the advisability of transferring the management and administration of the said temples with the territories and properties appertaining thereto to the Tehri State as the best possible means to secure proper management?

(2) Have Government received any deputation from the people of Garhwal and other public bodies, complaining of the mismanagement of the said temples and suggesting the transfer of the management and administration of the said temples with the territories and properties appertaining thereto to the Tehri State, and have Government in contemplation any action in the matter?

20. **The Hon'ble the Finance Member:** (1) The temples of Badrinath and Kedarnath were, for centuries prior to 1804, administered by the Rajas of Garhwal in whose territories they were situated. In 1804 the Gurkhas invaded Garhwal and conquered and expelled Raja Pradyuman Shah. Since 1815 when the Gurkhas were driven out by the British Government these temples have been subject to British administration. No lease of the territories in which these temples stand has ever been given to any authority so far as Government are aware.

(2) A suggestion was made by the Garhwal District Board last August at Pauri to His Excellency the Governor for the transfer not only of the administration, but also of the territory in which the Badrinath temple stands, to His Highness the Raja of Tehri. The question is engaging the attention of Government. For various reasons it will probably be desirable, should it be decided to transfer the administration, also to transfer the territory immediately surrounding the temple of Badrinath to His Highness the Raja in full sovereignty. There is no proposal for a similar transfer of the temple of Kedarnath now before the Government. No decision has yet been come to on the subject.

PENSION OF OFFICERS IN THE PUBLIC HEALTH DEPARTMENT

*21. **Rai Sahib Lala Anand Sarup :** (1) Is it a fact that the Government have decided that all officers at present in the service of the Public Health Department will neither be granted pension on their retirement nor will be entitled to any special provident fund, while the posts of future incumbents have been made pensionable?

(2) If so, will the Government state why this differential treatment has been meted out to the officers already in service?

The Hon'ble the Minister for Local Self-Government : (1) Yes.

(2) In the case of pension mainly because of the difficulties involved in entirely revising these officers' pay, a necessary corollary to the grant of pension, and also because there would have been no material benefit to the more senior. So far as the provident fund is concerned it is, as stated in the reply to starred question no. 87 of 7th November, 1932 open to these officers to subscribe the General Provident Fund, and if they do so they can themselves best arrange for their contributions.

OPENING AND CLOSING OF PONTOON BRIDGES.

* 22. **Rai Sahib Lala Anand Sarup :** Will the Government be pleased to consider the advisability of opening the pontoon bridges early in October and not closing them before the end of June?

The Hon'ble the Minister for Local Self-Government : The dates of opening and closing pontoon bridges depend on the time of arrival and departure of the monsoon. These bridges are erected as early and kept open as late as is consistent with the safety of the public and of the equipment comprising the bridges. No precise dates can, therefore, be fixed.

EXTENSION OF SERVICE TO OFFICIALS OF COLLECTORATES.

* 23. **Rai Sahib Lala Anand Sarup :** Will the Government be pleased to lay on the table a list of such officers and officials of the Collectorate who have been granted extensions in spite of the fact that they have completed 55 years age or have served for more than 30 years?

The Hon'ble the Finance Member : The honourable member has not stated whether he wants a list of officers and officials of any particular district or of the whole province. In either case, a reference would be necessary to the local authorities which will take time, and Government have not yet made the reference because of their uncertainty regarding honourable member's meaning. It will, however, be made if he will explain more exactly what he wants. Meantime, I may explain that

Government's present policy is not to grant extensions to officers or officials who have reached the age of superannuation. An exception to this principle has been made in the last two years only in very special circumstances. All district officers are aware of the orders of Government in this matter, and Government have no reason to think that the orders have not been observed. If the honourable member will bring to light any cases in which a departure has been made from the policy of Government in this matter, they will be looked into.

UNSTARRED QUESTIONS.

APPLICATION FOR SCHOLARSHIP FROM THE SONS OF MIRZA SULTAN HASAN, TAHSILDAR AT AGRA.

1. **Lala Shyam Lal :** (1) Are Government aware that Mirza Sultan Hasan, a permanent tahsildar of about 14 years' experience, was invalidated in September, 1927 ?

(2) Will the Government be pleased to state if an application, dated the 11th March, 1931, for grant of scholarships from the provincial revenues to Mirza Agha Hasan of the Agra College and Mirza Akhtar Hasan reading in the Victoria High School, Agra (sons of the abovenamed invalidated officer), was sent to the Director of Public Instruction through the Deputy Commissioner, Hardoi, the district from which the officer's services were terminated.

(3) Were the Deputy Commissioner, Hardoi, and subsequently the Inspector of Schools, Agra Division, pleased to give their support to the application ?

(4) Will the Government be pleased to state what happened to that application thereafter? Were the applicants given the help prayed for? If not, why ?

Mr. P. M. Kharegat : 1. (1) Yes ; in August, 1927.

(2) An application for scholarships was sent.

(3) No.

(4) A Silver Wedding Fund Scholarship of Rs. 8 per month was awarded to Mirza Agha Hasan in July, 1928. His younger brother received a similar scholarship when he was promoted to class V. These scholarships were enhanced to Rs.15 and Rs.8 per month, respectively, in 1931.

ELECTION TO THE SELECT COMMITTEE ON THE BILL TO AMEND THE U. P. MUNICIPALITIES ACT.

The Hon'ble the President : I have a piece of good news for the House. Yesterday I had announced that for ten vacancies on the Select Committee of Lala Shyam Lal's Bill there were twelve candidates. I have the authority of the Leader of the Constitutionalist Party to say that out of twelve Mr. Muhammad Rahmat Khan and Mr. Badhwar have withdrawn. That avoids an election. Therefore, there will be no election and the rest of the ten candidates are declared elected to the Select Committee.

BILLS TO AMEND THE CO-OPERATIVE SOCIETIES ACT, II OF 1912 133
AND THE U. P. VILLAGE PANCHAYAT ACT, VI OF 1920.

A BILL TO AMEND THE CO-OPERATIVE SOCIETIES
ACT, II OF 1912.

Pandit Joti Prasad Upadhyaya: Sir, in view of the undertaking given to me by the Hon'ble the Minister for Local Self-Government that these defects in the Act will be remedied, as far as possible, by amending rules, I do not wish to introduce this Bill.

A BILL TO AMEND THE U. P. VILLAGE PANCHAYAT
ACT, VI OF 1920.

Babu Ram Bahadur Saksena: Sir, I beg to ask for leave to introduce a *Bill to amend the United Provinces Village Panchayat Act, VI of 1920.

The Hon'ble the President: The question is that leave be given to the honourable member to introduce a Bill to amend the United Provinces Village Panchayat Act, VI of 1920.

The question was put and agreed to.

Babu Ram Bahadur Saksena: Sir, I beg to introduce the Bill to amend the United Provinces Village Panchayat Act, VI of 1920.

A copy of this Bill has already been circulated to the honourable members and I believe that they have been through it.

The Hon'ble the Minister for Local-Self Government: Sir, may I ask whether the honourable member has moved the motion for the consideration of the Bill?

The Hon'ble the President: What motion is the honourable member making? Has he moved that the Bill be taken into consideration?

Babu Ram Bahadur Saksena: I have introduced the Bill, but have not made the motion that it be taken into consideration.

The Hon'ble the President: This is what I called the honourable member to do.

Babu Ram Bahadur Saksena: Is it open to me to move now that the Bill be referred to a Select Committee.

The Hon'ble the President: The honourable member has got a motion in his name that the Bill be taken into consideration.

Babu Ram Bahadur Saksena: Can I move a motion that the Bill be referred to a Select Committee?

The Hon'ble the President: I am afraid not. But no notice of that has been given by the honourable member. There is an amendment standing in the name of Khan Bahadur Hafiz Hidayat Husain to that effect.

Babu Ram Bahadur Saxena: I beg to move that the Bill be taken into consideration. This Bill aims at amending the United Provinces Village Panchayat Act in two important respects. In the first place, it takes away the jurisdiction of village panchayat which it at present exercises over some petty cases of theft, and in the second it confers jurisdiction upon the village panchayat to try cases of breach of rules made under section 172 and bylaws made under sub-section (2) of section 17.

[Babu Ram Bahadur Saksena.]

United Provinces District Boards Act, and punishable thereunder, and disobedience to notices issued under section 9 of the United Provinces Primary Education Act, 1918, and punishable under sub-section (1) of section 10.

The panchayats are the most crude form of a court of law. The methods of dispensation of justice are cruder still. They are not bound by any rules of evidence. They may not record any evidence at all. If any witnesses are produced, the panchayats may hear them *ex parte*. Even the sentence may be passed in the absence of accused persons and their verdict is final. The aggrieved person has absolutely no remedy. No appeal lies against the decision of a panchayat. I wonder if education is being given in making selections for the honorary offices for the administration of justice. I am constrained to remark that the village panchayats are worse than the honorary magistrates in this respect. We have honorary magistrates who are semi-literate, but, as far as the panches are concerned, they may not be literate at all. They may be altogether illiterate. In a majority of cases the panches affix their thumb-mark on what is grand eloquently called a judgment in legal terminology. In these circumstances, I should think that offences of a complicated and difficult nature, like theft, should not be left to be tried by such a judiciary, if it can be called by this name. Honourable members must have noticed that very learned judges have at times differed on whether a given set of facts constitutes an offence of theft or not. If the learned judges can take an erroneous view of law in cases of theft, I think it would be futile to expect the illiterate panches to come to any right conclusion with reference to them. I may be accused of being too hard on the panchayats, but, Sir, truth has to be told and a spade must be called a spade. I do not say that the panchayat system should be abolished. I say let them remain and learn by experience. But, instead of giving them jurisdiction to try complicated cases like those of theft, give them simpler cases to try so that they may have experience. With that purpose in view I have given powers to the village panchayats to try certain cases under the District Boards Act and the United Provinces Primary Education Act. These cases are very simple. The cases in which jurisdiction is being given to the panchayats under the District Boards Act are cases that do not involve any moral turpitude like those of theft, they are simple in nature and the accused person would probably like to be tried by the panchayat instead of incurring the expenditure and worry of running to the Sadr for standing a trial for petty cases like the breach of rules and bylaws under the District Boards Act. Similarly, cases of disobedience of notices issued under the Primary Education Act are very simple. Everybody who is to be prosecuted under this Act would prefer to be tried on the spot. Having said this much I have almost done with the Bill. The only important clause in the Bill is clause 4. If this clause is accepted, all the other amendments will become more or less consequential. For example section 5 deletes section 19 and section 20 of the Village Panchayat Act. Section 19 reads as follows: "No panchayat shall take cognizance of any offence under section 379 of the Indian Penal Code in which the accused has been previously convicted of an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment of either description for a term of three years or upwards, or has been previously fined for theft by any panchayat, or is a registered

member of a criminal tribe under section 4 of the Criminal Tribes Act, 1911, or has been bound over to be of good behaviour in proceedings instituted under section 109 or section 110 of the Code of Criminal Procedure, 1898." Section 20 reads "A conviction by a panchayat under this Act shall not be deemed to be a previous conviction for the purposes of section 75 of the Indian Penal Code.

Now, Sir, as I stated before, should the jurisdiction of the panchayats to try cases of theft be taken away, sections 19 and 20 become redundant and that is why clause 5 has been inserted. Clause 6 has been inserted to bring the Act into conformity with the District Boards Act. There is a section in the District Boards Act which provides that no court shall take cognizance of any case tried under the District Boards Act unless there is a complaint by the Chairman of the District Board or somebody whom he may authorize in this behalf. That is the reason for inserting clause 6. Clause 7 is a consequential amendment. When you give power to panchayats to try offences under the District Boards Act, suitable punishment which they can inflict must be prescribed. It has been prescribed in clause 7. Similarly, clause 8 provides the maximum punishment which the panchayats would be competent to inflict in cases where they were allowed jurisdiction over the cases of disobedience notice under the United Provinces District Boards Act.

Sir, I think the Bill is of a wholly non-controversial nature, excepting, perhaps, one clause in which I propose to take away the powers of panchayats with regard to the cases of theft. I have given my reasons for inserting the clause, and I will leave the rest to the House. If it is acceptable to the House, it may be passed. At any rate I think that the Bill is a very simple one and it would be very well if it is considered at once.

The Hon'ble the Minister for Local Self-Government : I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon before the 20th June, 1933. I regret very much that I have to make this motion. My friend through this Bill seeks to take away the jurisdiction of the panchayats to try petty theft cases. Honourable members are aware that in the rural areas generally such cases are many and naturally it was thought fit and proper that a rough and ready method of giving redress to the people aggrieved must be at hand. It was with that object in view that this power was given to the panchayats; and the additional advantage the tenants enjoyed in this connexion was that no lawyer was allowed to appear before the panchayats. Therefore, on the one hand through this Panchayat Act it was sought to make the panchayat accessible to the tenants in the shape of a tribunal and on the other hand it was sought that they should not be put to unnecessary expenditure in seeking redress over a petty matter which involved only Rs.10. In other words, the tenants have been enjoying the boon of having a tribunal ready at hand to seek redress in petty theft cases as speedily as possible and without having to incur any expenditure and without having to employ any lawyer. The object of this Bill is to take away this power from the tribunal and give it to the honorary magistrate. In other words, he was to take away all these special facilities that the people of the rural areas enjoy. And what is even more—it will make it compulsory for poor people to have to put up with all these dilatory things y

[The Hon'ble the Minister for Local Self-Government.]

to put up with in a regular court of law. And what is still worse—the poor fellow will have to employ a lawyer before he can seek any redress before the honorary magistrate. Under the Panchayat Act lawyers are precluded from appearing before a panchayat, whereas in the ordinary court of an honorary magistrate—I may at once make it clear—a lawyer is entitled to appear and he must appear to represent the case of a poor tenant. Therefore I feel that it is one of the greatest advantages which the rural people enjoy and if these are taken away from the rural areas and if these cases are to be tried by honorary magistrates then the poor and ignorant people will be subjected to all kinds of inconveniences, trouble, and expense which one has to put up with in a regular court of law, such as the court of stipendiary magistrate and honorary magistrate. This is the position, and my submission is that this is a matter of really very great vital importance and should be given very serious consideration before any departure is made in this direction. My friend has fears that as the panchayats are elected bodies, they are likely to be influenced by factious spirit and are unlikely to do justice to the people in rural areas. I may say that it may have a certain amount of force about it and that an elected body probably cannot dispense with justice with that impartiality which is expected of it.

Thakur Rampal Singh : Are panchayats elected bodies ?

The Hon'ble the Minister for Local Self-Government : Yes, they are elected bodies. You may say that the form of election is such which is not strictly speaking of the nature of a regular election.

Bai Bahadur Thakur Hanuman Singh : They are nominated.

The Hon'ble the Minister for Local Self-Government : They are nominated after ascertaining the views of the local areas. A method of election is resorted to in the first instance.

Shaikh Muhammad Habibullah : In what way ?

The Hon'ble the Minister for Local Self-Government : In the way that inquiries are made in the rural areas and after ascertaining the views about panches these nominations are made by the District Magistrate. So the condition precedent is that the local area must be consulted before the magistrate can possibly make up his mind to appoint anybody who is likely to inspire confidence in that particular area.

Pandit Shri Sadayatan Pande : In what manner is the local area consulted ?

The Hon'ble the Minister for Local Self-Government : I can boldly say there is hardly any case where without consulting the local area panchayats are appointed. This procedure is invariably resorted to. As I was emphasizing, this power which is enjoyed at present by a panchayat may be questioned on the basis of the fact that this body is really a sort of elected body and therefore cannot inspire confidence in that rural area. Yet it will have to be admitted that a tribunal like this is absolutely necessary in the rural areas if redress is to be readily given to the aggrieved parties in that particular area and if they are not to be put to all sorts of inconveniences, trouble, difficulties, and expenditure. Therefore I submit that this is a very important matter and it is absolutely necessary that further light should be thrown on a subject like this and

the question examined in all its bearings before we make up our minds once for all whether this power, that is to say the power of trying petty theft cases, should be transferred from the panchayat to an honorary magistrate. I see my friend is employing an argument which has a certain amount of force, namely that an elected body cannot inspire as much confidence as an independent body would, but he could have probably come forward with some better suggestion in the shape of an independent tribunal being put up in that particular rural area which will remain uninfluenced and unaffected by a factious and party spirit which is usually created in the atmosphere of election when these appointments are made. While recognizing that the argument he employs has a certain amount of force, I cannot help saying that the remedy that he seeks is absolutely wrong. The net result of the remedy that he seeks is that the poor tenants are going to be deprived of a very important right which they at present enjoy, and therefore I think that it is absolutely necessary that the whole matter should be threshed out in its proper bearings and proper light thrown on it before any final decision is taken on this subject. That is one important aspect of the Bill.

The other important aspect of the Bill is that the honourable member seeks to give an additional, rather a new, power to the panchayat. On the one hand he takes away certain power, but on the other he tries to invest this very panchayat with certain additional power. I have no quarrel with him on this point, but here too I would like to submit with all the emphasis at my command that he seeks to invest these panchayats with the power of dealing with and punishing cases under the Education Act: for example, if a student happens to be absent, the parents may be fined, the boy may be fined, and so on and so forth. I submit that this is also a matter which cannot be decided hurriedly and without giving serious thought, because to employ his very argument, namely that because this panchayat comes into existence in an atmosphere of election—it is really a kind of elected body . . .

Babu Ram Bahadur Saksena: I never said that they are elected. I dispute that point: they are not elected.

The Hon'ble the Minister for Local Self-Government: It is likely to be carried away by a partisan spirit that might prevail in that particular rural area as against the other party, and therefore it might abuse that power. If that argument is to be carried to its logical conclusion, it may be argued that this power may be abused against a man whose son may happen to be absent from school. Similarly, it is sought by this amendment that all those causes which could arise under the rules and regulations framed by the District Boards Act should come under the jurisdiction of these panchayats. This is also a very sweeping recommendation. There may be some merit in the suggestion, but the idea embodied in this clause is one which requires very careful consideration of the House as well as of the Government before a final decision could be arrived at. There are other defects also, but the two I have pointed out are fundamental and affecting principle. I, therefore, submit that there is a good case for circulation of the Bill for eliciting public opinion so that the House may be enabled to make up its mind in the matter. If after all it is decided to take away the power in question from the panchayats, that must be in the interest of the people belonging

[The Hon'ble the Minister for Local Self-Government.]

to rural areas, so that facilities and conveniences which they at present enjoy may not be withdrawn.

Mr. Brijnandan Lal : I very much regret that I have to oppose a motion moved by a member of my party, but as there is no mandate of the party on this question, I can safely do so.

If you will, Sir, read the Statement of Objects and Reasons, you will find that it runs :

"Petty cases of theft are triable by village panchayats. But the importance of an offence of theft is not properly gauged by the amount of the property stolen, but by the status of the person involved. Village life is essentially factious and cases are not uncommon when one faction tries to implicate its opponents falsely in cases like these."

I submit that this is an absolutely incorrect statement. I belong to a village and I have sufficient experience of village life in India. I have to deal with people of villages in various capacities. If I am permitted to say as a managing director of a District Co-operative Bank I have to deal with hundreds of villagers of my district and I do not think I need corroborate the statement. In fact it is the greatest slur on the people of villages of these Provinces. If my friend was enamoured of election, he should have brought a Bill introducing the system of election. After saying that the panchayats are not elected bodies he comes forward and launches an attack on the village people which, I consider, is very unfair on his part. If he thinks or as some honourable members seem to think that village people are not capable of exercising any power, and that the people are not fit for self-government yet, let them say so openly, but it is hardly fair to whittle down these Acts gradually and reduce them to a nullity. As a matter of fact Acts which were introduced by two very able and strong Ministers in this House have been gradually modified to a very large extent, e.g. the District Boards Act, into which the education committees have been introduced which are now being attacked. We are now meddling with the Panchayat Act, which came before the Reforms and want to reduce it to a nullity. My friend questions the ability of the village people to decide criminal cases. Out of hundreds of disputes that occur in villages only a few go to courts. If all of them were to be tried by courts, they will be overwhelmed. Ninety per cent. of them are settled by villagers among themselves. Many cases of minor thefts come to important people of villages to be settled without any interference of the police or magistracy. My friend's complaint is that lawyers are not allowed to appear. Let him bring a measure that will permit lawyers to appear and I will support that.

Pandit Shri Sadayatan Pande : Certainly you will support a measure like that.

Mr. Brijnandan Lal : All of you have recourse to lawyers when you are in trouble.

He says the law of evidence is not followed. Well, let him introduce a measure that will allow the panches to follow the law of evidence. I do not think . . .

Pandit Shri Sadayatan Pande : It is beyond the capacity of panches to understand the law of evidence.

Mr. Brijnandan Lal : If wrong type of panches are appointed, it is not the fault of the system. There are panches and panches. I understand there are even barrister panches and I am one of them.

Pandit Shri Sadayatan Pande : May I ask . . .

Mr. Brijnandan Lal : I seek the protection of the Chair. I have answered a number of interruptions. I cannot answer any more.

The Hon'ble the President : In that case all the honourable member has to do is to ignore them.

Mr. Brijnandan Lal : What I submit is that my experience of the village life is not so bitter as that of my friend, and I am not really aware whether he belongs to a village or to a city. But I gather from his Bill that he belongs to a city. He has absolutely no experience of village life in India. With these observations I support the amendment which has been moved by the Hon'ble the Minister for Local Self-Government.

Rai Bahadur Babu Jagadeva Roy : Sir, I support the original motion. First of all I shall give my reasons in support of the motion and then also meet the points which are raised from the other side. The point which is to be considered is that importance should be attached to the offence which is described in the Indian Penal Code as theft. We find from the perusal of the Penal Code that there are many offences in the Code, and at this stage we have to take into consideration the particular offence of theft. Certainly theft is not an ordinary offence. The punishment under the offence of theft is considered to be something very serious and degrading. It is not the amount of punishment that makes it so severe, but it is the nature of the offence itself that makes one feel so. Now from this point of view it is necessary that an offence of this kind, even if it be called a mere technical offence, should be carefully handled by the court. For this purpose we have to consider whether the village panchayat court is a proper court in which an offence of theft should also be tried, under certain limitations. This is the first time for me to hear that in a village panchayat there is a barrister, and not only a barrister but also a member of our Council. Before this I never heard of a village panchayat in which even legal practitioners of the position of a mukhtar were members thereof. But whatever I know of the constitution of village panchayats is that generally gentlemen residing in villages having not obtained so much legal education as to enable them to understand the admissibility or inadmissibility of a question of law on a particular issue constitute such panchayats. Consequently we find that even persons who are said to be concerned in those cases or, in other words, who are said to be accused, are not satisfied with the village panchayat. In eliciting public opinion this should be made a particular ground in order to ascertain from every district for the purpose of knowing whether in theft cases tried by a panchayat persons accused tried their best to have their cases transferred from the village panchayats or not. If the answer taken together is such as to show that accused persons did not like to be tried by panchayats this will give a ground for the consideration of the question whether the panchayats should be allowed to continue their jurisdiction over the offence of theft or not. It cannot be said in this connexion why should this inquiry be confined to the side of accused persons only, why should it not be extended to the side of complainants. I say that such objection cannot possibly be raised,

[Rai Bahadur Babu Jagadeva Roy.]

because it will be open to the complainant to run up through the panchayat or it will be open to him to run up in another court, in the Sadr, the court of an honorary magistrate or the tahsildar's court, and so on. So I, therefore, say that the complainants are not compelled to go to the court of the panchayat, whereas it will be only for the accused who have to be tried to run up to another court to have his trial somewhere else. I say, therefore, if public opinion is elicited, this should be made quite clear. And then the second point of mine is in support of the motion,

Nawabzada Muhammad Liaquat Ali Khan : Which motion?

Rai Bahadur Babu Jagadeva Roy : Made by Mr. Saksena.

The second point of mine is that we often find from our experience that cases under theft which are lodged generally in the village panchayat courts cause much more trouble and harassment, although it is said here that that is a court where there is no representation through a lawyer. Is it expected that the remedy will be very much more speedy? But it appears to me that the remedy is not really so speedy as was desired by the Act itself. What are the reasons for this? The reasons are obvious. Though the expression factious may not look to be very fair, may be taken to be a strong word of expression, but in any case the spirit is there and it is this, that generally there being two parties in a village, a city or at any other place, cases do crop up out of the ill-feelings of the parties and such things are not confined to a particular kind of locality, but that depends on our own mentality. So my point, therefore, is that experience has gone to the length of showing that generally people do not welcome panchayat courts in that light, but at the same time my object is not to discourage the panchayat courts, my object is certainly not that this system is faulty, but at the same time my object is that these panchayats should be encouraged by degrees, and, therefore, the honourable mover has given a very good substitute. He says that there are certain other kinds of offences which can very safely be made over to the panchayat courts. The work will be before the panchayat court and a remedy, if it is a speedy remedy, will be available there. So, therefore, I see that there is every justification for taking the Bill into consideration; and then the last point of mine is that the formation of a panchayat is done in our parts, that is in the eastern districts, in the way that people of a village or villages give out their own desires, and then for the constitution of a panchayat court it is generally a sub-divisional officer who ascertains the views of the locality, and having come to the conclusion that panchayat courts are desired there, he tries to find out persons who may be acceptable to the majority. It is very difficult to expect that there should be a unanimous opinion, but, however, what is done is done in this way. And then the persons so desired are generally made panches. Then the question of literacy or illiteracy should also be considered, but that cannot be said to be a very much necessary ingredient for the purposes of the questions involved in the Bill. With these words, Sir, I take my seat.

Khan Bahadur Hafiz Hidayat Husain : Sir, I beg to move that the Bill to amend the United Provinces Village Panchayat Act, VI of 1920, be referred to a select committee.

Sir, I have been very much impressed with what the Hon'ble the Minister has said in support of circulation of this Bill for eliciting public opinion

and I would not have proposed reference to a select committee if I had been led to believe that by reference to the select committee we would be in any way touching the principles underlying the Act. Sir, my honourable friend Mr. Saksena is not far wrong when he says that villages are usually torn by factious parties and—drawing on his own experience which is confirmed by my own—he is also not wrong when he says that sometimes convictions take place which should not have taken place and that convictions are brought about merely because the persons convicted did not belong to the faction to which the sitting members of the panchayat belonged. Therefore, Sir, I think that my honourable friend is not incorrect in his estimate of the position he has sought to remedy and the measure he has proposed for remedying the position. That there are two sides to the question is apparent from the debate itself.

May I be permitted, Sir, to take the Council back to the second decade of this century when a committee consisting of Mr. Phelps and Mr. Musanna was appointed by Government in order to report to Government as to how the villages could be given institutions which might resemble the village institutions of old. The report of that committee was a very comprehensive one and it recommended adoption of methods on which the Government could create self-governing institutions in the villages. All the recommendations of the committee, however, could not be accepted. The only measures that the Government were then prepared to bring forward were those that are contained in the present Village Panchayat Act of 1920, to amend which the amending Bill is brought by Mr. Saksena. Sir, by reference to the select committee it cannot be said that the principle that is contained in the Act is going to be touched. The principle is there. That principle is that power should be given to the village panchayats in order that they may be enabled to decide cases. The object of the Bill is not to take away that power. The object of the Bill is a modification of that power only so that the interests of the people living in the villages torn by factions may be safeguarded. This is all and nothing more. If, therefore, reference is made to a select committee, I do not think that the object underlying the Act will be touched. If my motion is carried by the Council I am prepared to submit names which would carry the Council with them—these names are drawn from people either residing in villages or having experience of village life. Therefore, in order, firstly, that a dilatory motion of the nature proposed by the Hon'ble the Minister may be defeated, and, secondly, that the points that have been urged by the honourable mover and the other honourable members having opposite views may be successfully debated, I move that the amending Bill be referred to a select committee.

Thakur Rampal Singh : The debate so far has been confined to the lawyer members of the Council, and it is not quite safe for a layman like myself to jump into it. I thought that this Bill was of a non-controversial nature. A piece of news has been given to us by the Hon'ble the Minister that the panchayats are elected bodies. I do not know of any panchayat in the Province which could by any stretch of imagination be called an elected body. Had the panchayats been elected bodies, my friend Mr. Brijnandan Lal, Barrister, would not have found a place there. The panchayats are actually a bench for the village people and not for barristers. Another question has been raised that vakils are not allowed to appear in the panchayats. I think that it is to the advantage of the

[Thakur Rampal Singh.]

litigants that they are not allowed in such petty cases. More than this I cannot say as I am surrounded here by vakils on all sides. The treatment of officials towards the panches is anything but proper or decent. After the chaukidar the panches are the most obedient servants and they are treated badly by the patwari and other high officials too. The treatment meted out to panches is such that it cannot inspire confidence among the villagers. They are appointed at the sweet-will of the officials, and very often their appointments are the source of party feeling and faction in the villages. I do not see the need of eliciting public opinion on a Bill like this. But it is customary for the present Government to consider all popular measures very seriously these days. As for transferring the power of control from the panchayat to the honorary magistrate, I think that it would be going from the frying pan into the fire. We all know the honorary magistrates, and I will not discuss them at any length on this occasion. But I think that the villagers would very much prefer to be tried by their own men on the spot, rather than by the so-called honorary magistrates. As for the objection raised by my honourable friend that it is a slur on people residing in the villages, I merely wish to submit that parties exist in every elected and nominated bodies and if there are parties in the villages, they are largely the creation of men living in cities. The village people are very innocent, God-fearing and easy-going. As for the suggestion that the Bill be referred to a select committee, I hope that my honourable friend the mover would accept the suggestion. With these remarks I support the motion.

Raja Jagannath Bakhsh Singh : Coming from villages as I do I consider that the village panchayat is an important institution. If it is contended, and rightly contended, that at the present occasion it is very necessary to build up the village rural life, I do not see how there can be an appreciable improvement in the village reconstruction scheme, so long as the institution of village panchayats is not developed to an appreciable extent. I personally think that if there exists a suitable panchayat in a village or in a group of villages a large number of difficulties, a large number of troubles of that rural area can be obviated and can be settled without any great inconvenience or expense. So, Sir, I think there can be no two opinions in this House regarding the importance of village panchayats. The difference of opinion can only be about the present Bill that is before the House. I have heard the mover of the Bill with great attention. He does not claim that the Bill is self-sufficient. He has himself said that there is a certain clause which may be contested and that it may be deleted by the House if it so wishes. This clearly shows that the mover is not himself of any strong opinion that his Bill is self-sufficient. On the other side I have heard with a little surprise the dilatory motion from a Government member that the Bill may be circulated to elicit public opinion. Of all men the Government have the longest notice of the Bills that come in the House, and if the Government themselves are of opinion that a certain Bill deserves to be circulated to elicit public opinion, I believe they would hesitate to give sanction to that Bill. I do not, however, wish to dilate on this subject. Then there is a very good motion from my friend on the left, that the Bill may be referred to a select committee. I think that this is the best way of settling the differences of opinion that exist on this Bill at the present time. Apart

from this Bill, if we consider in great detail the Village Panchayat Act, it will not require any great labour to prove that the Act requires much improvement. So, Sir, the best way to amend the Act is to refer the Bill to a select committee. The select committee will have ample time to go into details in order to improve matters and to recommend to this House the best measures that have been advocated by the mover of this Bill, and the report of the select committee will be of great assistance to the House in deciding this matter in the best interests of the public. I, therefore, strongly support the motion that this Bill be referred to a select committee.

Shaikh Muhammad Habibullah : I rise to lend my support to the motion of Khan Bahadur Hafiz Hidayat Husain, C.I.E. I think as an experienced councillor he has suggested the right way. The difference between the mover of the Bill and the Hon'ble the Minister is of a very very highly technical nature. Both of them agree in principle, i.e. that the village people should get justice. The Hon'ble the Minister says that he is in favour of saving the poor tenant from incurring extra expense when he can get justice from the village panchayat. The mover of the Bill, on the other hand, says that an offence of the kind in which not only the physical but the moral side of humanity is subject to gain or loss, should not be left in the hands of a body like the village panchayat who cannot adjudicate on offences of this kind. After having seen what happens in a village panchayat, I agree more with the view of the honourable mover of the Bill than with that of the Hon'ble the Minister. The Hon'ble the Minister thinks that justice is safe in the hands of this elected body. I have got some experience as I have had to work in order to establish these village panchayats in my official capacity. If the Hon'ble the Minister calls them "elected body", I think we will have to admit that they were elected on a new system of election which does not exist in any form of democracy. That system was that the Collector asked the Sub-divisional Officers and Tahsildars to select or elect these people after due inquiry on the spot whom they thought were the right people, without taking any vote. This is a new system of election. You may use the word "election" and you may stick to that phraseology, but in reality it is not election, it is a nomination pure and simple. Now my friend, for whose opinion I have very great respect, Mr. Brijnandan Lal, says that it would be a retrograde measure if the motion of the mover was accepted. His ground is this that these panchayats were determined by two very strong Ministers. I do not know whether he means "two" or "too." In both senses he is right. I think they were too strong when they delegated those powers to a body like the village panchayat. I am sure there were two Ministers.

Mr. Brijnandan Lal : It is not a measure of that time. This came before that.

Shaikh Muhammad Habibullah : Two strong Ministers you have said. I am only answering that.

Mr. Brijnandan Lal : Not in connexion with this Act.

Shaikh Muhammad Habibullah : Now, Sir, I think the motion as it stands in no way affects the principle of the Bill, which is to authorize these village panchayats to dispose of petty cases for which the villagers so far have had to go long distances to obtain justice. But in cases of the nature described by the honourable mover I think it is not at all safe that

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they should be left in the hands of untrained and at times illiterate village panchayats. I have seen myself sometimes the head of the panchayat put down his thumb-impression on the judgment instead of signing it. I am absolutely in support of the motion of my friend Hafiz Hidayat Husain Sahib that the Bill should be committed to a select committee.

Babu Ram Bahadur Saksena: Only one speech has been made in support of the motion of the Hon'ble Minister and that is by my honourable friend over there, Mr. Brijnandan Lal. I am sorry that I have unwittingly given him offence. I fear that I was misunderstood by the honourable member. The whole burden of his speech was that this Bill was a slur on the village folk. I never meant that. I never want that village panchayats should be abolished. What I want is to take away some powers from them, which I do not think they are capable of wielding and to give them some other powers instead. That is what my Bill means. My honourable friend appeared to think that the village panchayats are capable of doing anything and everything and nobody should raise even his little finger at them. If that is so I ask my honourable friend and also the Hon'ble Minister "why don't you empower the village panchayat to try all cases under the Indian Penal Code?" They would not do it for one reason. Because they, as well as I, believe it in our heart of hearts that the village panchayats have got their own limitations. That being so, I would give them that work only which it may be reasonably expected that they will be able to do in a competent manner. I made a distinction in the case of the offence of theft. A cursory glance over the different provisions of the Village panchayat Act will show that so far as the criminal jurisdiction of the panchayats is concerned, they have been given very small powers, and that too for very petty offences. For example, they have been given powers to try petty cases of causing hurt (section 323, Indian Penal Code); petty cases of mischief (section 426) and cases under the Cattle Trespass Act. I make a distinction between this sort of cases and cases of theft. I say that none of the other criminal cases which the panchayats are competent to try involve moral turpitude, while the offence of theft does. My honourable and learned friend claimed very great acquaintance with village life, but I am afraid he has misunderstood them if he meant to say that the village people would view a conviction for an offence of theft with the same amount of disgust as a conviction for causing hurt. If that is his view I must tell him frankly it is a grievous mistake. As a matter of fact village people look upon cases of theft with particular disgust and peculiar abhorrence. My honourable friend may have heard from a number of villagers "Hamne aisa hi to kiya hai kuchh chori thori ki hai." They as a matter of fact think the offence of theft is one of the worst kinds of offence of which a man can be convicted. That is my excuse for taking away the jurisdiction of panchayats with regard to theft cases. My second reason was that the offence of theft is a very complicated one. It is defined in section 378, Indian Penal Code. If you read any of the commentaries on that section you will find a number of rulings where the Hon'ble Judges of the High Court have differed from the Sessions Judges. A Sessions Judge holds that in a given set of facts a case has been made out against the accused and he convicts him. On these very same facts the Hon'ble High Court holds that no case has been made out and the accused is acquitted. I think that when there can be such a sharp difference of opinion between two eminent

judges, I cannot see how we can expect a village panch to come to a correct finding in cases like these.

The second point made out by Mr. Brijnandan Lal was that there are hundreds of cases of this nature and about 90 per cent. are tried by the village panchayats and only 10 per cent. go to courts.

Mr. Brijnandan Lal : On a point of personal explanation. I think many disputes are settled by them privately and not actually decided by them.

Babu Ram Bahadur Saksena : If this is the case then it makes my case stronger even, for the simple reason that whether it is a panch or a Judge or a sub-divisional officer it is no business of theirs to settle cases and not to put them on paper. My friend wants us to believe that these village panchayats try certain cases without bringing them on the record and without registering them and probably decide them privately.

Mr. Brijnandan Lal : The honourable mover meant to question the ability of the village people to decide these cases. I say it is done by them privately. I do not mean panches. But the leading people of the village decide cases privately ; they do not go to the panches.

Babu Ram Bahadur Saksena : Then I have absolutely no quarrel with my learned friend. My Bill does not take away the power of these persons to settle cases privately.

I will take up one or two points which have been raised by the Hon'ble Minister. His arguments seem to be that heads we win and tails you lose. This is the sort of argument employed by the Hon'ble Minister. He would defend in the first instance that the panchayats are capable of trying complicated and difficult although petty cases of theft (he emphasizes the word "petty"). My submission is that a theft for Rs.10 is after all a theft. It is as bad a theft as of Rs.10,000, morally. After all it is a theft. If a man carries a conviction for a petty theft, he is as bad as a man who carries a conviction for a bigger theft. Although the Hon'ble Minister thinks that they are capable of trying such difficult cases as those of theft he is very reluctant to extend their powers to try cases of a much simpler nature. For example, he would not like the idea that a parent or guardian who has disobeyed a notice issued by the District Magistrate that his son should be sent to his court, should be tried by the village panchayat. I do not exactly see the force of that argument. If the Hon'ble Minister can defend the panchayats' jurisdiction over cases of theft and if he thinks that they are doing very well, then that argument itself would support my case of giving them extra powers which I propose to give them under the present Bill. The Hon'ble Minister also said that my Bill takes away certain facilities which are at present provided to the village people inasmuch as that if the powers of trying these offences of theft are taken away from the panchayats then they would be tried in an ordinary court of law and in that case a lawyer must be appointed to defend them. I know of no law under which it is compulsory for an accused person to engage a lawyer if the case is not heard by a panchayat. The Hon'ble Minister thinks that a petty case of theft would not require a lawyer. But if the accused person also thinks with him then obviously he would not employ a lawyer. He can defend his own case without a lawyer in ordinary courts also. I do not ask you to

[Babu Ram Bahadur Saksena]

abolish the panchayats. I say let them work, but let them work within their limitations. Do not invest powers to them which they cannot properly wield. I take particular exception to their trying cases of theft. I therefore oppose the dilatory motion that it should be published for eliciting public opinion, but I am prepared to accept the motion of Khan Bahadur Hafiz Hidayat Husain Sahib that it should be referred to a select committee.

The Hon'ble the Minister for Local Self-Government: Sir, my learned member for Cawnpore has no doubt made a motion which ordinarily would have been probably the best motion bearing all the facts in mind. But my main objection is whether we are today prepared to accept the principle, namely that this power should be taken away from the panchayats. Our attempt all along has been to make these villages self-contained and also to provide as much facility as possible to give redress to the aggrieved person in the rural area. It was with that object in view that the panchayats were invested with the power of trying these petty theft cases and this was the rough and ready method of giving redress to the people who wanted redress in the rural areas, so that they may not be compelled to employ lawyers and to be put up with cumbersome and heavy procedure in the ordinary law courts and thus be saved from heavy expenditure. This was the main principle embodied in the Panchayat Act. Now my friend the member for Cawnpore thinks that if the Bill is referred to the select committee, then the principle is in no way affected, and we can make some kind of amendment which will improve this Bill. Now the difficulty is this. Do you accept the principle just now, namely, that these facilities which are at present enjoyed by the tenants should be taken away from them or not? Those facilities are :—

- (1) They get a rough and ready method of justice and a handy tribunal; and
- (2) no lawyer is allowed under the Panchayats Act to appear before these tribunals.

These are the two advantages which the tenants at present enjoy and they are very great advantages indeed. Now my friend argues that in their own interest it is desirable that these petty cases involving moral turpitude should be tried by honorary magistrates. There I join issue, because one fundamental advantage which a tenant enjoys at present is that he does not to employ a lawyer. He need not go through that cumbersome procedure which he has generally to do in ordinary law courts. For example, a tenant has a grievance, a petty theft has been committed. Now he will think twice before going to the town to seek his remedy simply because he knows by experience that he will have to incur expenditure in the shape of conveyance and lawyer's charges etc. My friend the member for Pilibhit is anxious that because these panchayats in his opinion do not inspire sufficient confidence therefore these cases ought to be transferred to honorary magistrates where the ordinary procedure will apply, the lawyers will appear automatically and evidence will be taken according to law and the Evidence Act itself will be in full play. Witnesses will have to appear; there will be a regular and proper trial of a most comprehensive type. Now obviously this cumbersome procedure will be a very expensive affair for the tenants

and many of them, I am sure, will not go to the city and put up with all this expenditure, bother and trouble in order to seek remedy in connexion with a petty matter of, say, Rs.10. The principle of the Panchayats Act has all along been to provide facilities for the tenants in the rural areas to get their redress if anybody happens to be an aggrieved party. The mover of the Bill clearly takes away the two rights which he at present enjoys. One of them is that at present he is not compelled to employ a lawyer, and he gets rough and ready justice there and then, and the other is that it is not necessary for him to go to a regular law court of a stipendiary or honorary magistrate and have the whole thing threshed out according to law. I would draw my honourable friend's attention to this aspect of the matter. There the interests of the tenant are vitally affected and as such the root principle of the matter is affected. You have got to decide whether you are prepared to take away the privileges which the tenants at present enjoy. That is a very important matter which must be very seriously thought over. If you ultimately come to the conclusion that you should evolve some new scheme, that is a different matter altogether, but you must necessarily apply your mind to this problem very carefully and see that some method is devised by which you could achieve the thing in view. By having the Bill referred to select committee you cannot achieve it fully.

Shaikh Muhammad Habib Ullah : Is it a privilege or a penalty ?

The Hon'ble the Minister for Local Self-Government : It is a distinct privilege to the tenantry. There is not the slightest doubt about it. Now the question at issue is whether this privilege should be taken away, and whether every tenant should be compelled to submit to the ordinary court procedure in order to seek redress. The other point, as I have already pointed out, is that new powers are proposed to be given to these panchayats. On the one hand, you are taking away some of the powers and transferring them to a wrong person, if I may say so, from the tenant's point of view and on the other hand, new powers are being given to them to impose fine under the Education Act and for breach of by-laws and regulations under the District Boards Act. Now, Sir, this is a matter to which we have been giving careful consideration. In fact, we have invited the opinion of local authorities on the subject. My friend the member for British Indian Association seems to have argued that the Minister had sufficient time at his disposal to have come to some decision. Well, this is a contentious matter and I want that the matter should be properly looked into from every point of view and thoroughly threshed out. If we were to refer it to the select committee hurriedly, I am afraid we shall be rushing the matter too much which will not be in the interest of the people concerned. You should wait and see and after the opinion of local authorities is available we will be able to come to a definite conclusion which will be in the best interests of the people in villages. I, therefore, consider that it will be a very hasty step to refer the Bill to a select committee at this stage, because the Bill as it stands attacks the whole principle underlying the Panchayats Act.

My friend the mover has asked : can you trust these panchayats when they are looked upon with suspicion by everybody ? Well, I may inform the honourable member that the reports that we have received from local

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authorities all point to the fact that they have been on the whole doing their work satisfactorily. This is also a point which should not be lost sight of. My friend seems to be labouring under a misapprehension that the victim is not sufficiently protected. The fact is that the victim is sufficiently protected under the present Act, because he has a right of appeal and revision. Under section 71 of the Panchayats Act the magistrate has got power to quash the proceedings at any stage and see that justice is done to the person concerned. So the fear of my friend that there will be miscarriage of justice and that there is no authority over the head of the panchayats to remedy the mistake which they may commit is really wrong and is based on misapprehension. If the victim feels that he has been wrongly convicted he can at once run to the District Magistrate and represent his case. If he has been wrongly punished he has got a right of appeal and thus there is no possibility of miscarriage of justice. By this Bill you are ruralizing the whole thing, you are making the village absolutely self-contained. My friend the member for the British Indian Association, Raja Jagannath Bakhsh Singh, emphasized that the rural area must be self-contained. That is the direction in which we have been moving all along, but this step will be a step in the wrong direction and, therefore, I submit that before taking any definite step we should take into consideration all the circumstances of the case. On the other hand you are taking away certain definite privileges which are enjoyed by the tenants and giving additional power to panchayats. I feel that no hasty step in that direction will be in the interest of the public, and this step of really transferring power from the panchayat to the honorary magistrate will be anything but desirable in the best interest of the tenants and the rural people generally. So I submit that the matter should be further investigated in the light of the reports which may be received from the local authorities before we should formulate our proposals. We can always draft a new Bill, a Bill which will find a ready acceptance in this House and satisfy everybody and will serve the desired object we have in view. Therefore, Sir, I will still stick to my motion for circulation of the Bill.

Babu Ram Bahadur Saksena : May I ask a question ?

The Hon'ble the President : Yes.

Babu Ram Bahadur Saksena : Under was section does an appeal lie from the panchayat court ?

The Hon'ble the Minister for Local Self-Government : If the honourable member will see the rulings of the High Court he will find a pronouncement by no less a person than Mr. Justice Banerji and by Mr. Justice Boys who is a great authority on Criminal Procedure. Government have also made it clear that this is the view we have taken always, namely that a right of appeal and revision does lie and that under section 71 of the Panchayat Act any proceeding can be quashed by the District Magistrate.

The Hon'ble the President : The original motion was that the Bill to amend the United Provinces Village Panchayat Act, VI of 1920, be taken into consideration. Since when an amendment has been moved that the Bill be circulated for eliciting public opinion by 30th June, 1933.

Since when another amendment has been moved to refer the Bill to a select committee.

The question is that the Bill to amend the Village Panchayat Act, VI of 1920, be circulated for eliciting opinion thereon by 30th June, 1933.

The question was put and negatived.

The Hon'ble the President: The question is that the Bill to amend the United Provinces Village Panchayat Act be referred to a select committee.

The question was put and agreed to.

Khan Bahadur Hafiz Hidayat Husain: I beg to move that for this select committee the following members be appointed:

The Legal Remembrancer . . .

The Hon'ble the President: The Legal Remembrancer cannot be appointed *ex officio*.

Khan Bahadur Hafiz Hidayat Husain: Then, Mr. Bennett. Also Mr. Mason, Khan Bahadur Jafer Hosain, Choudhri Dharya Singh, Pandit Joti Prasad Upadhyaya, Mr. Pande, Mr. Saksena.

The Hon'ble the President: Which Mr. Saksena—there are two.

Khan Bahadur Hafiz Hidayat Husain: Mr. Ram Bahadur Saksena. How many shall I name?

The Hon'ble the President: Ten. The mover will be *ex officio* member.

Khan Bahadur Hafiz Hidayat Husain: Also Mr. Zahur Ahmad and Shaikh Habibullah, O.B.E.

The Hon'ble the President: Is there any other amendment to this proposal?

Pandit Prem Ballabh Belwal: I propose the name of Thakur Rampal Singh.

The Hon'ble the President: The original motion was that for this select committee the following members be appointed:

Mr. J. R. W. Bennett.

Mr. P. Mason.

Khan Bahadur Jafer Hosain.

Chaudhri Dharya Singh.

Pandit Joti Prasad Upadhyaya.

Pandit Shri Sadayatan Pande.

Mr. Zahur Ahmad, and

Shaikh Muhammad Habib Ullah.

Since then an amendment has been made that the name of Thakur Rampal Singh be added. The question is that these names be accepted.

The question was put and agreed to.

A BILL TO PROVIDE FOR THE SUPPRESSION OF IMMORAL TRAFFIC IN THE UNITED PROVINCES

Mr. E. Ahmad Shah : I beg to ask for leave to introduce a *Bill to provide for the suppression of immoral traffic in the United Provinces.

The Hon'ble the President : The question is that leave be given to the honourable mover to introduce a Bill to provide for the suppression of immoral traffic in the United Provinces.

The question was put and agreed to.

Mr. E. Ahmad Shah : I introduce a Bill to provide for the suppression of immoral traffic in the United Provinces.

The Hon'ble the President : The Bill is introduced. The next item on the order paper are resolutions.

RESOLUTION *re.* COMPULSORY PRIMARY EDUCATION FOR GIRLS.

Mrs. Kailash Srivastava : I beg to move that this Council recommends to the Government to take necessary steps to make primary education compulsory for girls in areas where there is already compulsory education for boys.

Sir, when I demand equal facilities for the education of girls as already exist for boys, I must not be misunderstood that I am actuated by a spirit of jealousy. There is neither any occasion nor necessity to be jealous. The education of our boys is in as backward a condition as of our girls, which is apparent from the fact that in a premier province like ours only about 4 out of every 100 men and women can boast of even elementary education. My aim in pressing this resolution is just to put up an earnest fight against illiteracy as such. Speaking in this House on a previous occasion our Director of Public Instruction said that he was not sure if the best way to fight illiteracy was not to begin with the education of women. I will go a step further and say the only way to fight illiteracy of the masses is to begin with the education of women. Sir, as soon as a child begins to understand whom does he look up to for his satisfaction, with his ever-growing curiosity? It is to the mother, not the father. The father after the whole day's work comes home too tired to have anything to do with the child, and, therefore, the mother can do the best to teach her own child. But, Sir, at present the poor unfortunate mothers of this country what can they teach their poor children? They can teach nothing. They themselves do not know anything. This ignorance of Indian mothers is the real cause of mass illiteracy in India. Unless we educate our women no improvement in the country will be possible. We must consider and take early steps to abolish women's ignorance in the country. As long as women do not understand how to bring up their children it is difficult for them to teach anything, and I hope Government will consider this question and accept my appeal. I know, Sir, Government will say, that they have full sympathy with my resolution, but that they cannot accept it on financial grounds. I do not want mere sympathy; I want tangible action. If Government has the intention to do something I know they will not be short of funds. On a vital matter like the education of girls I hope Government will not plead poverty; on this the future of the nation depends and I hope the House will give full support to the resolution.

The Hon'ble the President : I am sure the House would like to know at once what Mr. Srivastava has got to say to Mrs. Srivastava in the matter.

The Hon'ble the Minister for Education : I would prefer, if I may, to hear . . .

The Hon'ble the President : The appeal must be followed by tangible action.

The Hon'ble the Minister for Education : There are various people who want to speak.

The Hon'ble the President : I think they can speak after the Hon'ble Minister. I am sure Mrs. Srivastava has the support of the House in this matter.

The Hon'ble the Minister for Education : You have placed me, Sir, in a position of peculiar difficulty.

The Hon'ble the President : If it is a position of peculiar difficulty the honourable member can get out of it after the lunch interval.

The Council was then adjourned at 12.55 p.m.

After recess the House re-assembled at 2 p.m. with the Deputy President in the Chair.

The Hon'ble the Minister for Education : I started just before lunch by saying to the Hon'ble the President, who was then in the Chair, that he had placed me in a position of peculiar difficulty. Sir, he is no longer in the Chair, and I will not dilate upon that difficulty.

The resolution which has been moved by the only lady member of the House has, as the President remarked, perhaps the approval of the entire Council, and so, Sir, it would be a waste of effort on my part to refer to any matters which do not conform with the views expressed by the mover. I may, however, give a brief resume of what has been done in the matter of girls' education in the province during the last few years. Government have not been forgetful of their duty in the matter although they had great difficulties to contend with. There was a time when there were no girls forthcoming to receive education. There was prejudice due to long-standing custom and also largely due to *purdah* system. Then, Sir, there was the difficulty of getting teachers. I am glad to be able to say that custom has now broken down in favour of girls' education, and there are now more girls coming forward to receive education than we can provide for. We have also a larger supply of teachers. But, Sir, the main obstacle in our way now is money. The literacy committee, which was appointed by my predecessor in office and which consisted of a large number of members of this Council, went very completely into the matter. The honourable mover of this resolution was herself a member of that committee, although it seems that she did not attend any meeting of it. The committee agreed, and there is no gainsaying the facts, that girls' education is in a very backward condition in the province. The latest figures, I believe, are that there are only one lakh of girls receiving education in all the various schools of the province . . .

Shaikh Muhammad Habibullah : Out of ?

The Hon'ble the Minister for Education : Sir, calculations were made of the number of girls between the ages of 6 and 11 in the province, and it was found that there are 28 lakhs of such girls. If we exclude about 8

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lakhs of girls who would for one reason or another not be able to go to schools, there would be 20 lakhs of girls to be provided for. It was estimated that two lakhs of these would be in the cities or urban areas and 18 lakhs in the rural areas. The committee gave an estimate that the total non-recurring cost of educating these girls in the primary schools would come to Rs. 2.27 lakhs per year. Then there is the question of non-recurring cost. This would come to 40 lakhs by way of buildings and 60 lakhs by way of furniture and other requirements. In other words the recurring cost of introducing primary education to the full extent in the United Provinces for girls would be Rs. 2.27 lakhs and the non-recurring cost would come to Rs. 1.00 lakhs. Sir, it is not for me to say whether this much of money can be made available for this purpose in these days. Personally the Education Department would be very glad to take up the work if the funds could be found.

Sir, the honourable mover of the resolution has not referred to a committee which this Government appointed to inquire into the question of improving the condition of girls' education in the province. This committee is presided over by the mover herself and it has on it a large number of ladies who are taking interest in the matter of female education. This committee suggested that opinion be asked from municipalities where compulsory education has been introduced in regard to the possibility of introducing it for girls. The Education Department could not accept this recommendation for the simple reason that if such an enquiry were to be made it would be taken for granted that the Department has got money with which to finance any scheme which may be brought up, it would raise false hopes and involve perhaps much useless correspondence. Then, Sir, there is still the moot point whether at this stage of the development of the country it is a desirable thing for compulsion to be introduced in the matter of girls' education. There are various prejudices to be got over and the view was held that we should hasten slowly.

Shaikh Muhammad Habibullah : Hasten slowly !

The Hon'ble the Minister for Education : I do not say that I subscribe to this view, but I say that it is one view of the matter. In short, the main difficulty in carrying into effect the resolution which we have before us is a financial one. The financial difficulties of the province are well known to the members of this House and it is with a great deal of effort on our part that we can keep the existing institutions going. We can hardly embark on new schemes of education at this juncture unless the House shows us a way where to get the money from. If the House will give us a mandate that we should curtail on some branch of education and utilize that money for girls education we shall certainly do what we can. We fully appreciate the importance of girls education. I have had it drummed into my ears in my home and outside it times without number.

Shaikh Muhammad Habibullah : Without any effect.

The Hon'ble the Minister for Education : Lately, I have adopted the practice of visiting girls' schools largely to the exclusion of boys' schools.

Shaikh Muhammad Habibullah : Are you admitted there ?

Rai Bahadur Thakur Hanuman Singh : What for ?

The Hon'ble the Minister for Education : To carry to them a message of sympathy and good will. Then, Sir, the Girls Education Inquiry Committee to which I have just referred passed another resolution in their second meeting held at Lucknow on 20th November. They opined that primary education should be looked after by the Government and not by local bodies. I do not know how far that suggestion would be acceptable to this Council, and they went further and said that to obtain funds for its fresh taxation should be resorted to. They suggested that in the case of municipalities the house tax should be raised by as much as an anna in the rupee and the money which is so obtained be spent on girls' education. These are all matters on which I should welcome the opinion of the House. If the House wants to have the benefit of girls education, they must also find the money. That is only logical.

Shaikh Muhammad Habibullah : Let them be in charge of your finance.

The Hon'ble the Minister for Education : Then, Sir, I will refer briefly to the legal aspect of the matter. Under the United Provinces Primary Education Act of 1919 the initiative in the matter of compulsory education in municipalities must come from the municipalities themselves. In the case of rural areas the position is different to some extent. According to the United Provinces District Board Primary Education Act of 1926 a board may be called upon by the Government to provide compulsory education for girls or for boys in such area as the local Government may direct. Sir, I want the House to carefully consider how far it is wise to apply the principle of compulsion to the matter of girls education. The present position is that girls are voluntarily coming forward as fast or in as large quantities as we can provide funds for and teachers for. Ten years ago no doubt our difficulty was to find the girls and the teachers. Now the difficulty is to find the money and also the teachers to some extent. We should not, I think, introduce compulsion until expansion on voluntary lines has nearly reached its limits. But, Sir, as I say, arguments on a question like this are wasted, and I am prepared to accept the resolution in so far that we will refer the matter to the local bodies and obtain their views. By that time finances may have improved, or we may have found some special way of financing this branch of education. I am very sorry, Sir, that I have to speak in a pessimistic strain over this matter. It perhaps does not appeal to the House and it certainly will not convince the mover of the resolution. I am perhaps adding to my difficulties—domestic and otherwise—by taking up this attitude, but I have laid before the Council a bare statement of what the facts are.

Mr. Brijnandan Lal : There is a well known proverb "What is sauce for the gander is sauce for the goose". If compulsory education is good for boys, it is good for girls. It has been said that we should not introduce compulsion in the case of girls. Men will not do anything for women, unless they are compelled and here is an example. If the tables were turned, if the honourable mover were in the place of the Hon'ble Minister today and the Hon'ble Minister were there moving a resolution relating to education for boys, I think the mover would be more sympathetic with the boys than he is today in the case of education for girls. He says there is no money. The Hon'ble Minister is an industrial genius. If he can make money in his private capacity, he ought to be able to do so as a Minister. He says that it is for the House to find money. The House has sanctioned taxation

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is so many forms—Court fees and Stamps. I suppose it should be utilized for this laudable object. If the Government can raise so many costly buildings, costly post offices, costly railway stations, there is no reason why it cannot find money for the education of girls. As has been pointed out by the honourable mover, the best way of educating boys is to give education to girls. I think it is really giving an impetus to education for boys if we sanction more money to do what is wanted by the honourable mover. With these few words I support the resolution.

Rai Sahib Rajeshwari Prasad : If I intervene in this debate, it is only because a certain amount of complexity has been introduced by the speech of the Hon'ble Minister into the comparatively simple subject matter of the resolution that is now before the House. The Hon'ble Minister has raised three or four questions. The first question on which he has laid some emphasis is the question whether in the matter of education of girls compulsion should be introduced. To that question, Sir, I would like to mention, the answer is supplied in the resolution itself. The resolution is confined to primary education and as far as primary education is concerned, I think there can hardly be two opinions as to whether education should be compulsory for boys and girls or not. I submit, Sir, that as far as primary education is concerned it should be made compulsory for boys as well as for girls. It is not a debatable question at all. Secondly, Sir, the Hon'ble Minister has pointed out that there are financial difficulties. Throughout his speech he referred to the province as a whole. He said that for 18 lakhs of girls, who can be expected to go to these primary schools, an expenditure of about 2 crores would be required. Looking at the resolution that is now before the House I find that the resolution refers only to those areas in which compulsory education for boys already exists. I was waiting for the Hon'ble Minister to say if there are such areas to be found in these provinces in which compulsory education has been already introduced for boys. I also expected him to make some remarks on the question as to what would be the probable expenditure if compulsory education for girls is introduced only in those areas in which there may be compulsory education for boys. I hope, Sir, he would enlighten us on these points in his second speech. I suppose the expenditure in these restricted areas would not be so much as to make an undertaking in this direction almost impossible. Another point that the Hon'ble Minister was pleased to make at the end of his speech was that the action that this Government is likely to take would be that they would refer the matter that is now before the House to the local bodies and would ask them to do whatever they can.

The Hon'ble the Minister for Education : No. For their views. Will ask their views.

Rai Sahib Rajeshwari Prasad : He will send for their views. That is much less than what I expected him to do in this matter. Personally I would like this Government to do whatever little they can instead of referring the matter to the local bodies to ascertain their views on it. So far as views are concerned I should think the Hon'ble Minister should be content with the views that he gets from the members of this House and I would once more request him to do whatever little he can in the direction of making primary education for girls compulsory instead of leaving the

entire matter to the local bodies. With these words I support the resolution that has been moved.

Rai Bahadur Babu Vikramajit Singh: Sir, I give my whole-hearted support to the resolution before the House. The reply of the Hon'ble Minister was somewhat disappointing. I thought he will be more enthusiastic in his speech on the motion before the House, but his reply was somewhat on the same lines that we have been hearing for a long time in this Council from the official benches that there is a lack of funds and therefore they cannot go in for certain reforms. Sir, I was reading today the general report on public instruction, which has been prepared by Mr. J. C. Powell-Price, Inspector of Schools. Although it has been compiled with great care and labour, yet it is a sorry reading because we find that on every page it is said that improvements could not be made or education could not be continued for lack of funds. So that everywhere from beginning to end we find things held up for lack of funds. I do not think that this is a very satisfactory solution of the question that has been put before the House.

The Hon'ble the Minister for Education: Give us the money.

Sheikh Muhammad Habib-ullah: Make money.

Rai Bahadur Babu Vikramajit Singh: Wait and we will tell you.

The Hon'ble Minister has admitted that so far as the district board-go, the Government has got the right to compel them to introduce compulsory education. Now I should like to know what has the Government done in this direction to compel the district boards to introduce compulsion in the case of girls. Have the Government been active in that direction? From the report it would appear that even in the case of boys compulsory education in most of the district boards has not been introduced. If you look to pages 61 and 62 of the report, it says—"There are 48 district boards in the United Provinces and the schemes of twenty-seven boards have been sanctioned, nineteen in 1928-29, six in 1929-30 and two in 1930-31. Two of these have had to be cancelled as the boards were unable to contribute their share and one is being discontinued for the same reason in 1932-33. The other boards reported that they were unable to introduce the scheme for want of funds, but seventeen out of the twenty-seven boards which have already introduced it have put forward schemes for extension-schemes which are unfortunately held up for lack of money."

Now, Sir, does this show that the Government are in earnest to introduce compulsory education in the district boards? If they have got the right to ask the district boards to introduce compulsory education, why can't they take strong steps against those boards which refuse to introduce it? I think it is the clear duty of the Government to compel every district board to introduce compulsory education both for boys and for girls. If any boards fail to carry out the instructions of the Government, the Government has got the power to supersede those boards, but it will not be well merely to wait for the opinions of the boards for years and years and then to say that they cannot do anything because there is no money.

The Government has to contribute its own quota no doubt, but the district boards have also to find money. It appears to me that as the

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Government is unwilling to find its own quota, therefore it does not compel the district boards to find money for introducing compulsory education there. I would ask the Government to take strong steps in introducing compulsory education both for boys and for girls. So far as the district boards go, they will have to contribute not to the extent as the Hon'ble Minister has given the figures today, but that will be to a small extent. I think a beginning could very easily be made and in the course of a few years compulsory education for girls will be introduced in all the district boards. If the Government has to wait till it finds two crores and twenty-seven lakhs for recurring expenditure and one crore for non-recurring expenditure, I think nothing will be done. Of course we are very grateful to Government for setting up committees. The Hon'ble Minister, I know, takes great interest in the education of girls and he has tried to set up committees and to obtain opinions but now what we want is real action in the matter. We do not wish that we might be supplied only with statistics. We have now got statistics? We know that there are twenty lakhs of girls who have to be educated. The Hon'ble Minister said that there were a lakh of girls at schools. There are 57,000 girls reading with boys. So the total number of girls at school is about 1,62,000. But we require all the girls at school, who are of school-going age to be at schools. My submission, therefore, is that the Government, without waiting any more, ought to take steps to introduce compulsory education. So far as these local bodies are concerned in regard to which the initiative lies with the Government, Government can take action. As regards municipalities there are 37 municipalities which have introduced compulsory education for boys and I find that attendance of boys at schools in those municipalities is very satisfactory. Now, Sir, most of these municipalities are in a position to introduce compulsory education and they only require some persuasion or compulsion from Government for introduction of compulsory primary education for girls as well. In fact most of these municipalities would have done it if there was any persuasion or compulsion from Government. Now there is the question of contribution from Government. Certainly it would not require as much as three crores for contribution to the funds of district and municipal boards. The Hon'ble Minister has not given the figures of the amount which Government is at present contributing to their funds for the purpose of compulsory education for boys and I am sure it will not come to the figure given by the Hon'ble Minister, which is for the education of the full number of girls. The amount required for contribution will be a small one as compared with the entire figure. The contribution of Government will enable these boards to have sufficient funds to start compulsory education for girls. Therefore, Sir, on this question my submission is that the Government, if they are in earnest, ought to take this matter up strongly with all these local bodies. My object is to infuse some enthusiasm in the Government so that they may be able to tackle this question strongly. It will not do to be pessimistic; it will not do to be in such a depressed mood as the Hon'ble Minister is in the matter of female education. He ought to be in an optimistic mood and I am sure there will be no difficulty in finding the money. I go so far as to say that Government, if they like, can raise a special cess or a special tax for compulsory education for girls and boys and we will not mind it. In fact we will support it, but it is for

Government to come forward with a measure to raise funds for that purpose. It will not do for the Hon'ble Minister to ask the non-official members to find money. There are various sources in the hands of the Government. It will simply be admitting lack of resourcefulness on the part of Government if they cannot find money. Government should go into the matter and put forward their constructive proposals for raising taxes or cesses in order to remove illiteracy from this province and I am sure the Government will not find non-official members refusing their support to Government in those measures. The Punjab is ahead of these provinces in the matter of female education. I may tell you about my own village in the Punjab, wherefrom I come, that it has got a population of about 6,000 and it has got three or four girls' schools which teach up to the middle standard. There is a Sikh girls' school, the Arya Samajists have got their own school and the Sanatanists have got their own school. It is a kind of healthy rivalry and the Government is giving aid and contributing to all these schools. There are at least 300 girls reading in that village which has got a population of about 6,000. There every girl of a school-going age goes to these schools; but you do not find the same thing in any of the villages in rural areas in this province. In fact it is only in the large municipalities that you find girls' schools where the girls can receive education. But in most of the rural areas there are no such facilities for girls to receive education. The Hon'ble Minister has admitted that old barrier has been broken and the girls are coming forward voluntarily to receive education. I know of Cawnpore, where we find that in spite of the fact that the municipality has given large facilities for training girls, that there are a large number of girls who cannot get admission into schools for want of proper housing accommodation or for want of proper schools. Therefore it is a question which ought to be taken up very seriously and earnestly by the Government, and we hope that the Hon'ble Minister will not only show his sympathy by merely accepting the resolution in the form in which he has accepted it but go into the spirit of the resolution and try to remove the illiteracy from the girls. It is not the time now to put forward arguments if the education of girls is a very useful thing. Those days have gone by long ago. Every one admits now that it is absolutely necessary to have the education of girls and consequently it is merely a time for action. It will be very unfortunate indeed if in the time of the present Minister for Education we cannot have compulsory education for girls introduced in every one of the municipalities and the district boards throughout the province. I think it is necessary for him to leave a mark of his own on the administration. Routine work is nothing. Every officer who is sitting on those benches will carry on the routine work. It is only the special things that leave a mark of the officer when he has vacated his office. Therefore I would appeal to him not merely to treat the resolution in the manner in which everyone of these resolutions is taken by the members of the Government day after day, but to pay special attention to the resolution. There is nothing for the Hon'ble Minister to write to the local bodies and ask for their opinion. What opinion is to be asked? There is no question of asking the opinion now. I may tell you that I have been in Cawnpore for 36 years and I know the opinion of the people of Cawnpore. They are all for education and so are the people in other districts of the province. They want that education should be given to boys and that illiteracy ought to be removed. It is not a question

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have got any difference of opinion and it will be a sheer waste of time to set up more committees and to ask for opinions either of the district boards or the municipal boards. The time is now to formulate a definite policy of advance, a policy whether you can introduce compulsory education in any of the district boards, the municipal boards and in all the various areas. If money is needed, you ought to put forward a scheme to raise funds for the purposes of education. I hope you will find every non-official member supporting Government in a measure of that kind. I therefore given my whole-hearted support and I hope the Government will not allow things to remain where they are and by conduct and action show that they accept this resolution fully.

(During the course of the above speech the Hon'ble the President took the chair at 3 p. m.)

Pandit Shri Sadayatan Pande : I am glad to see that Babu Vikramajit Singh has so ably advocated the cause of women's education in his whole-hearted support of his colleague, Mrs. Srivastava. I wonder Sir, why Mr. Srivastava finds himself unable to support Mrs. Srivastava.

The Hon'ble the Minister for Education : I have supported her—I have accepted the resolution.

Pandit Shri Sadayatan Pande : I suppose Sir, he would have done so had he had sufficient funds at his disposal.

The Hon'ble the President : Do I take it that the Hon'ble Minister has accepted the resolution ?

The Hon'ble the Minister for Education : Yes Sir. I said so.

The Hon'ble the President : If the Hon'ble Minister has accepted the resolution I do not see where the debate arises.

Pandit Shri Sadayatan Pande : I was not present, Sir.

The Hon'ble the President : I was not present also but I hear the Minister saying that he has accepted the resolution.

Pandit Joti Prasad Upadhyaya : He has accepted it in a qualified way, Sir.

Rai Bahadur Babu Vikramajit Singh : He has accepted it with great reservations—that he will write to the local bodies and inform them and invite their opinions.

Pandit Shri Sadayatan Pande : While speaking on this resolution I would urge upon Government that they would see to the carrying out of this resolution. The mere acceptance by the Minister cannot successfully work it up unless Government lend their whole-hearted support in the matter of finances. The Government has yet a wide scope for retrenching expenditure on various heads and it is for them to find sufficient funds for the advancement of girls' education in these provinces. Statistics of various provinces have been quoted just now and there is no need for me to quote any more; what I mean to say now is that Government must make further retrenchments in other heads and find money for the advancement of girls' education as well as other education. One point was raised by Rai Bahadur Babu Vikramajit Singh and it was to the effect that taxes should be raised for finding money for the cost of education. Well Sir, there I disagree with him. In these hard times, . . .

Rai Bahadur Babu Vikramajit Singh: On a personal explanation, Sir, I said if it is necessary to have funds and funds are not forthcoming, in that case we will be prepared to accept even further taxation for this special object.

Pandit Shri Sadayatan Pande: It amounts to the same thing and is nothing more. Well, Sir, it would not be at all difficult for Government to come forward with a proposal for further taxation. They are bound to come forward with such proposals. I am surprised they have not come forward with such proposals in this session yet. There is a long way before us and I shall not be surprised if they presented any such measure to the Council. Anyhow my chief object is that Government must find the money by abolishing many superfluous posts for which the Council has made unanimous recommendations some years before, and making reasonable retrenchments in other departments and thus finding money for this purpose.

Mrs. Kailash Srivastava: Sir, I am grateful to Government for accepting my resolution. But still I am disappointed with the remarks of the Hon'ble Minister. Like a shrewd businessman he says he accepts the resolution, but he cannot find the means. One of his points is that there will be difficulty in finding teachers. When Government make provision for women's education, I am sure, the Hon'ble Minister will see that he will have no difficulty in finding teachers. Another point raised by him was that the Girls' Education Committee asked Government to find out from local bodies where it was possible for compulsory education of girls to be introduced. He said they did not take any step because they were afraid that all local bodies will rush forward and ask for a grant or help. This is what they should not have done. When he says "the honourable member" by which I take it he meant me "is a member of the committee," what can a member of the committee or the president of the committee do when they have not taken any steps to adopt their suggestion? The Hon'ble Minister says that the financial position keeps him back from giving financial help to local bodies for compulsory education for girls. Well, I hope the Hon'ble Minister has seen that it is not in every area or municipality that I want compulsory education; it is only in those areas where there is compulsory education for boys, and if Government cannot make provision for all areas I hope they will start gradually and increase it. I suppose the Minister in charge of Education knows, and he himself has quoted the figure, that 18 lakhs is annually spent on girls' education. Do we think that our women are so worthless that even one anna per head is not to be accepted by Government for their education? Well I hope the Hon'ble Minister will take this into consideration and take immediate steps to inform some of the local bodies that Government will give help to them if they want to start compulsory education for girls.

The Hon'ble the Minister for Education: Sir, a certain newspaper is fond of sensationalism, and being hard put to it to invent news came out today with big head lines and said that the two Ministers of the United Provinces Government were at loggerheads yesterday. Sir, how far that announcement was correct, I leave it to the House to judge although to my knowledge there was no vestige of truth in it. But I must confess that I find myself at loggerheads today not only with my supporters in the Council but also with my wife, and with my colleagues in Government

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who have been conspiring with my wife. Sir, I have already said that I am prepared to accept this resolution. Whether I wished it or not, that was the only way out for me, and I know that arguments would be wasted. Sir, I am now prepared to give this assurance to the House that so far as our funds permit we shall give every consideration to the question of expansion of girls' education; we shall in fact give that branch of education priority over boys' education.

My friend Rai Bahadur Babu Vikarmajit Singh has said that if I were in an optimistic mood there would be no difficulty in finding money. I wish that were true in all cases where money is required. Now, he has suggested that he would not object to special taxation for this special purpose. That is a bold stand and shows that he is prepared to shoulder the necessary burden.

Rai Rajeshwari Prasad Sahib wanted to know the figures for expenditure that would be incurred if compulsory education were to be extended to girls in areas where it obtains now for boys. I am sorry I have not got those figures ready with me here, but I can tell him this much that there are 37 municipalities in the province where there is compulsory education for boys and there are 350 areas in various districts where schemes for compulsory education of boys have been introduced. It is no doubt correct that the expenditure which would be required for extending compulsory girls' education to those areas alone will not be anything like the figures which I quoted. But, Sir, once we extend this benefit to those areas it would only be logical and necessary that we should give the same facilities to other areas which may be in want of female education even more. Any way, Sir, I will not take up the time of House any more on this matter. The Education Department is in entire sympathy with the object of the mover.

Rai Bahadur Thakur Hanuman Singh : The Hon'ble Minister in his first speech said that he would refer the question of compulsory education of girls to local bodies for opinion, and in the meantime the finances would improve. May I know from him what time it will take to obtain the opinion of local bodies ?

The Hon'ble the Minister for Education : If I may explain, what I said was that we would refer the question to local bodies for their views, and I thought that in the meanwhile we may have a silver lining to the cloud and our finances may improve. I said "may"; I did not say "will" improve. I could not possibly indulge in a prophecy of that character. The idea in referring to the local bodies was that they have themselves to contribute a certain proportion of the money required. If they are not themselves able to do so, it is useless for Government to consider the matter.

Khan Bahadur Saiyid Jafer Hosain : Is the Hon'ble Minister prepared to make a beginning forthwith in at least one or two areas ?

The Hon'ble the Minister for Education : I have already said that with whatever money we may have we will make a beginning.

Thakur Giriraj Singh : Can the unspent money under another head be utilized for the purpose of girls' education in another year ? Supposing in a district board there is a lakh of rupees under girls' education, and supposing only Rs.50,000 has been spent, can the unspent amount be

utilized next year for the same purpose? The rule is that such unspent money can be spent on buildings, but not on any other object.

The Hon'ble the Minister for Education : I am not in a position to express an opinion on this point. I should like to examine the matter. I do not really quite follow what the honourable member means.

Thakur Giriraj Singh : Is it a fact that a circular letter was issued . . .

The Hon'ble the President : The question is not necessary to elucidate the matter under debate.

Thakur Balwant Singh Gahlot : Is the Hon'ble Minister prepared to give grants to those district boards which are prepared to contribute their share for girls' education ?

The Hon'ble the Minister for Education : If and when we have the money.

The Hon'ble the President : The question is that this Council recommends to the Government to take necessary steps to make primary education compulsory for girls in areas where there is already compulsory education for boys.

The question was put and agreed to.

RESOLUTION *re* THE APPLICATION OF THE MITAKSHARA LAW TO KUMAUN

Thakur Jang Bahadur Singh Bisht : Sir, I beg to move that this Council recommends to the Government that in matters of legislation relating to Kumaun the Hindu Mitakshara Law should always prevail, unless the custom alleged is proved independently of Mr. Panna Lal's book on Kumaun customs. Sir, some time ago proposals were put forward by the Government to remove Kumaun from the Scheduled Districts Act which had been in operation in that District since its annexation. The idea, I believe, was to secure a uniformity in the application of the various Acts of Legislature to Kumaun, to the same extent and in the same manner in which they found application in other districts of the Province, of course subject to certain local variations which were warranted by undisputed customary law. On the issue of a notification declaring Kumaun to be taken out of the Scheduled Districts Act, the Bengal, Assam and Agra Civil Courts Act would have had automatic application to Kumaun. That Act provides that the rule of decision between Hindus in a matter which is governed by the Hindu Law, like marriage, inheritance, etc., would be the personal law of the Hindus and that when the parties were Muhammadans it would be the Muhammadan law. Sir, this matter came up before this very House in the shape of an amending Bill which provided not for the application of the Hindu or the Muslim law to Kumaun, but a law which was modified by custom, and the burden was certainly not put upon the party which alleged that custom. That Bill was sent to a select committee, of which among the other members were the members of Garhwal and Naini Tal and myself. That committee had the honour of being presided over by the Hon'ble the Home Member, and I hope he will bear me out when I say that the members from Kumaun contested the Government members regarding the desirability of having the amendment proposed. That amendment, I may

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submit, Sir, was on the lines of section 3 of the Oudh Laws Act, providing for giving precedence to custom rather than to the Hindu Law, and it was modified on those lines. I may here thank the other honourable members who gave us support in that committee. It would not, however, be proper to enter into the details of the proceedings of that committee, and I may submit that one of the results of that discussion was that, while Government did not take advantage of eliciting public opinion concerning that draft Bill in the initial stage, it was pleased to ask for the opinion of the public and the officials who were administering law in Kumaun regarding the matter. So far as the public opinion goes, including the Bar Associations and the local bodies, I have heard that the bulk of it goes against the proposal of the Government and against Mr. Panna Lal. It would be highly illuminating to have information from the Hon'ble the Home Member on this point. After receipt of these opinions it was to be expected that the Government would not lose time and place that very Bill with the amendment and give us an assurance that the burden of proof would be rightly placed as the law demanded. But this has not been done and on the pressure of my constituents I felt that it was my duty to lay this matter for the careful consideration of this Honourable House. I am at a loss to understand, Sir, after hearing the debate in the select committee, as to what the Kumaonis are. I presume that they are known as Hindus, and here I need not go into the early history of the contact of Kumaun with the plains; but I may submit that from a very long time Kumaun has been one with the plains and even in a speech in the year 1925 Pandit Hargovind Pant, who was then a honourable member of this House, definitely stated that he objected to being cut off from the plains; a policy in which the Government for some reasons was interested. Sir, in fact the aboriginal population of Kumaun soon after the migration of the people from the plains, which took place even before the composition of the Mahabharat, had completely fused with the immigrants. Thereafter the whole of the population of Kumaun has been living the life and thinking the thoughts of the people of Hindustan and this may have been quite apparent to the honourable members who have visited Naini Tal. If, however, on account of administrative difficulties arising out of the fact that Kumaun was a newly acquired province only a few Acts of the Legislature were extended to it, it does not follow that Kumaun ever submitted in any way to the application of any other law in matters of their personal law, i.e., inheritance, adoption, succession, etc., than that of the Hindu Law of the plains. This is quite evident from the judicial decisions and mutations which took place before the year 1921. But after that year when the report of Mr. Panna Lal was published, the courts have evinced a tendency to look upon that document as a positive and presumptive proof of the kind of Hindu Law that prevails in Kumaun. Most of the honourable members probably have not had the occasion to look into that precious document, which is for the thoughtlessness of persons charged with the administration of law, acquiring the sanctity of Manusmriti and other sacred codes. If Mr. Panna Lal had given a correct record of customs, or law, nobody would have grudged the honour given to him. But I am sorry, Sir, that it is my unpleasant duty to bring to your notice that the statement of customary law contained in the report of Mr. Panna Lal is not what it should be and it has never been acceptable to any of the lawyers or the public in general. The Bar associations in Kumaun have emphatically challenged its correctness and

several people concerned with law have expressed their opinion against it in the Press from time to time. The statement of law as given by Mr. Panna Lal is not only wrong but astounding at times. He has come across in that very short period of his enquiry with so many forms of marriages which he has taken special care to narrate in his book that any sort of relationship between man and woman in Kumaun is sufficient to give validity of marriage. This, Sir, is not true, and I challenge the fact that it is correct. I am surprised that an officer like him (of course, he was quite junior then as far as my information goes, though I am not quite sure about it) could have even if he found these customs, recognized them on account of their sheer immorality, because as far as the law goes, if it is said that any custom exists and must be enforced, that custom at least must be within the four walls of the Hindu law. Sir, I need hardly say that customs in the eyes of the court, according to the highest tribunals must be ancient, invariable, certain and moral. The last prerequisite is not the least. Mr. Panna Lal's book may be quite an interesting catalogue of the customs that he found while he was there, but it is in no sense a record of customs of Kumaun. The value of his work is considerably diminished again on account of his data and the method in which he seems to have carried on his inquiry. Admittedly, he left out the best evidence of customs that is afforded by judicial records and mutation entries. This he admits in his preface. His data then is merely hearsay and opinion and even this will not bear scrutiny. This is evident from the extract of evidence given by one of the witnesses in his examination under oath before the Subordinate Judge of Almora recently. I would submit to the honourable members that if they only go through this statement it will be sufficient to convince them as to the method of inquiry Mr. Panna Lal was conducting. The witness says "Mr. Panna Lal consulted me in the course of his inquiry regarding the customs of Kumaun. Chosen people from every mahal were called, but no one from the Sha Chaudharies was called by Mr. Panna Lal." Perhaps the Judicial Secretary will bear me out that the Sha Chaudharies is a large community. They were not called in the centre of the town where they live. Under the circumstances, I am unable to understand how on earth can any customs found by Mr. Panna Lal be enforced or fastened upon them. "The question of a widow succeeding to collateral was not raised before me." I may submit, Sir, that this witness happens to be a responsible witness and perhaps known to members of Government as well. Indeed the question of a widow succeeding to a collateral is quite an important question. But this was never raised in that inquiry. "Mr. Panna Lal asked if a woman *ought also* to succeed along with male heirs. Pandit Murli Dhar replied that only male heirs should succeed. There were only 30 people examined there; Rai Bahadur Pandit Dharmanand was there. No one objected that it was customary for a woman to succeed with the male heirs. I appeared before Mr. Panna Lal twice. The same 30 persons were present on the second occasion. He never called me again in connexion with this inquiry. No questionnaire was sent round to me previously. He had a note book from which he was asking questions." If this was the system followed in a town which was the most advanced in the district, and where nearly all the leading and respectable men lived, and if even here, Mr. Panna Lal was so careless, I see no reason why he should have been more careful when he went into the interior. I can safely presume that this was the method of his

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inquiry; and this leads to one conclusion, namely that Mr. Panna Lal's conclusions were not based upon specific instances of the observance of a custom, but on an opinion which tended to be expressed on what ought to be the custom rather than what it was. So my submission is this that the whole inquiry is wrong and legally such opinion is valueless. He got 30 men round him at one place, asked their opinion on what ought to be, and wrote a book in a vein which has sapped the very morals of Kumaun. Similarly, the statement of customs given by him does not fit in with any line of primitive law. The people of Kumaun resent being cut adrift from that main stream of Indian life to which they have always belonged, and their laws also, I may submit to the honourable members of this House, should reflect and must reflect the features of their social life. Let me assure you that in that they do not differ from the men in the plains. The Government have no right under any pretext at all to interfere with their personal laws. Mr. Panna Lal and many officials have gone even to the extent of saying that a hillman does not know what the Mitakshara Law is, and that the Mitakshara Law never applied to Kumaun. As far as I can understand, there are two schools of thought—the Mitakshara and the Dyabghagh. They do not tell us, except by throwing that thin little book of Mr. Panna Lal, which lies quite heavily upon us, as to what we really are. I may here submit that this theory of theirs is absolutely wrong. That the Kumaunis were always governed by Mitakshara Law is clearly proved by facts which happened even before the British advent, that is the year 1815. Until Mr. Panna Lal came, there was a long succession of cases which were decided by the Mitakshara Law, and this Mr. Panna Lal himself admits when he says the bulk of the people have never heard of the Mitakshara and have never been guided by it, yet it is applied to them rigorously. Even before the British rule, I may submit, in Chapter I of Vashisht Smriti, where the regional sphere of the application of the Hindu Law is mentioned, the territory south of the Himalayas is included. Kumaun was then subject to the Hindu Law. There was no champion of the customary law. The two other Smritis, Brihaspati and Narda of the fifth and seventh centuries lead to the same conclusion. After this one Anant Deo wrote a treatise on Hindu Law under the patronage of Braj Bahadur Chaud, a king of Kumaun, between 1646—1664. Hence the laws of the plains applied to Kumaun in the year 1646 onwards. It was impossible for this treatise to be written if it was of no utility to Kumaun, and this would have been the case if the people of Kumaun were governed by another system of law, as the Government would have us believe.

Another important point is that during the times of Rajas, before the advent of the British, there was an established practice of getting opinions on socio-religious matters from the Pandits of Benares. No doubt the opinions were on matters which do not come within the audit of the law according to the Westerners. An old record of Byawastha given according to Smritis to all classes of persons in Kumaun is even now available. It is, therefore, unlikely that persons in Kumaun who followed the Smritis in the matter of severe penances for socio-religious derelictions were not governed in the matter of legal rights by the same codes. The statement, therefore, made by Mr. Panna Lal and by any person who may make it or may have made that the bulk of the people in Kumaun have never heard of the Mitakshara and had never been guided by it is wrong.

All this, therefore, shifts the burden of proving that Kumaun is not governed by the Hindu Law on the party who alleges it; and, for the purpose of this resolution, on the Hon'ble the Home Member. If I may anticipate him he will place reliance on the fact that Mr. Panna Lal says that he examined over 20,000 people. Sir, the speed of Mr. Panna Lal's inquiry was comet-like. It began on the 10th June, 1919. I may quote his own words: "G. O. no. 652/VII—221, dated the 10th June, laid down instructions." He must have taken some time to go to the place and when the government order itself is dated the 10th June I would submit that he would have taken a month or so in making preparation as in those days travelling was not so easy as it is now. The report was submitted on the 7th of April, 1920, that is, after a few months. While admiring the speed of the examination that he may have conducted, I would ask you, Sir, to take into account what the duration of the examination of the individual witnesses may have been and to infer from it the degree of care which was bestowed upon this task and I will quote Mr. Panna Lal himself to say that this work was not an easy task. He admits that in 1915, when the question of placing Kumaun under ordinary civil courts was before the Government, it appointed an informal committee to try and see if the local customs could not be codified, and a draft Bill was prepared. But I submit, Sir, that these people on this committee had more sense of responsibility than Mr. Panna Lal, and the committee even after having drafted the Bill did not press it in the way in which Mr. Panna Lal's book is being pressed upon us. It was not considered fit to solve the problem. So, Sir, even that committee which had sat long before Mr. Panna Lal when they had come to the end of their work did not think that they were so correct as to give that report the force of law. Then came Mr. Stowell whom Government deputed to compile a list of rulings dealing with customs. The work was published and it was found that there were no rulings on many important points, and Mr. Panna Lal says some of the rulings were manifestly wrong. Yet in spite of all the difficulties Mr. Panna Lal cut the Gordian Knot in no time by his report of the 7th April, 1920. So I submit, Sir, through you to the honourable members of this House whether they are willing to impose Mr. Panna Lal's book on us, which is written in such a short period and after such a sort of examination as I have already pointed out to be a permanent scared code for all our lives. I think it should be thrown in the waste-paper basket. Sir, I have here to touch upon the question of the circulation by Government of a letter from Dr. Joshi, who has now got a doctorate by writing a thesis on what he calls the "Khasa Family Law". That letter was meant, in my opinion, to influence public opinion in favour of Mr. Panna Lal's book. Dr. Joshi thought that it would do great damage if Mr. Panna Lal should be attacked, and he requested the Government to stick to the amendment which they had in view. He has tried to project himself into the arena of "controversial politics" on the strength of his thesis, the "Khasa Family Law". He was rightly afraid that the practices discovered by Mr. Panna Lal and those theoretically discovered by him could not thrive in a suffocating want of their evidence. The theme of his letter was a prayer for relaxation both in the demands of proof, and the application of standards of judging customs. The rule on the matter is "that the more unusual the custom pleaded, the stricter the proof required." Dr. Joshi would throw all that to the winds. This gentleman's outlook on the local

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matters is uncommon and the rule of jurisprudence which appeals to other jurists does not appeal to him at all. The Government's point of view—I hope they have changed it by now—in regard to the burden of proof of customs is not quite different. However, while it is pardonable in Dr. Joshi to have a bias in favour of his thesis which he calls the *khas* law, it is not pardonable in Government to have a bias against anything. Although Dr. Joshi's book possesses the virtue of being accepted as a thesis for the doctorate in London, it has no value at all, and the learned Doctor coolly forgets that Kumaun to London is a far cry. Though Mr. Panna Lal does say ultimately that the Mitakshara Law is applicable to Kumaun with his exceptions patched on to it, Dr. Joshi goes still further and says that Kumaun has its own system of family law. He, however, excepts his family from its operation, probably on account of the sub-conscious Brahmanical bias which he so vehemently attacked in his book. It is not my intention to waste the time of the House by going into the theory of Dr. Joshi. I may at once say that customs and rights as described by him do not exist at all. Even the argus-eyed Mr. Panna Lal did not record them. The most curious thing is the statement about the rights of women. Dr. Joshi may vie with the American Miss Mayo in this respect, except for his sex. In fact he has out-mayoed Mayo. But his fantastic theorizing will not do and the fact that he is a resident of Kumaun has no weight at all. His statements are not based upon personal observation and he cannot say so because his connexion and contact with the Kumaunis as a lawyer was very meagre. One of the results of Mr. Panna Lal's book has been that it has encouraged immorality in persons who have tried to take advantage of it. In fact it is gnawing at the family life in the hills, and the sooner we get rid of it, the better. Ultimately I would like to submit that I am not the first person who had all these things in mind, but that this process started a long time ago. In the year 1925 Pandit Hargovind Pant moved a resolution to the effect that Kumaun should be taken out of the Scheduled Districts Act; the ultimate result of which was that the then Home Member promised to do it and he ended by saying:

"Then, Sir, the enactment of revenue and rent laws and making of regulations will certainly take time, but I hope that the new Home Member will take it as the first item and in view of the feelings of the people of Kumaun it is the duty of the Government not to delay this for a moment."

Sir, I regret to say that though this took place long ago, nothing has come out of it. But I do not understand why action was delayed so long, and blame nobody in particular. I have, however, noted that Government always postpones things until it is forced upon them. The result of the resolution was that a Select Committee sat, which was composed of the following persons: Mr. N. C. Stiffe, Commissioner of Kumaun, Pandit Govind Ballabh Pant, ex-M.L.C., Mr. Mukandi Lal, ex-M.L.C., Bai Bahadur Lala Mathura Prasad Mehrotra, Khan Bahadur Hafiz Hidayat Hussain, Pandit Badri Dutt Pande, Mr. J. M. Clay, Mr. E. L. Norton, and Khan Bahadur Maulvi Fasih-ud-din. Sir, this committee considered that it was desirable to apply the Bengal, Assam and Agra Civil Courts Act to Kumaun. They simply said that section 37 of the Bengal, Assam and Agra Civil Courts Act, XII of 1887, should be extended to Kumaun and

that the words "of the Benares School" should be added, that is to say they agreed unanimously that Mitakshara Law should be applied to Kumaun and did not provide for any customs; for the Hindu Law itself provides for the proof of customs. It does not end here. The matter again came up before the Kumaun Forest Committee on the 23rd and 24th August, 1927. Here also we find that the committee was composed of Mr. N. C. Stiffe, Commissioner of Kumaun, Pandit Govind Ballabh Pant, Pandit Badri Dutt Pande, Mr. Mukandi Lal, Rai Sardar Dr. Pati Ram Bahadur, Chairman, District Board, Garhwal, Pandit Hargovind Pant, Chairman, District Board, Almora, Rai Narayan Dutt Chimwal, Rai Bahadur Pandit Lakshmi Dutt Pande, and Rai Bahadur Pandit Tara Dutt Gairola. This committee approved of the view and made no provision for customs. This was done by them for the following reasons. When the Scheduled Districts Act would be removed from Kumaun, the Bengal, Assam and Agra Civil Courts Act would automatically apply to Kumaun, and when that would be the case, Mr. Panna Lal would have to bear the rigour of the Evidence Act and would not be treated as he is being treated today. To this fact the Government should have paid consideration before. The committee, in fact, extended the Bengal, Assam and Agra Civil Courts Act simply with a view to specify as to which of the two schools of the Hindu Law should apply to Kumaun and, therefore, the only addition that is made is "of the Benares School"; that is the Mitakshara Law. Somehow or other the Bill which came before the select committee, on which I was a member, was differently drafted. It contained a modification which extended not the law as a whole but the customs, and was on the lines as set out in section 3 of the Oudh Laws Act, thereby meaning that Mr. Panna Lal would get a legislative sanction which he has not got till today. Sir, I submit that the Government ought to have removed Kumaun from the Scheduled Districts Act long ago and should have at least paid attention to what one of their responsible officers writes. I refer to Mr. Stiffe. He says in appendix A, Chapter III, in the proceedings of the eighth meeting of the Forest Committee held at Nainital on the 23rd and 24th August, 1923. "Rules 5 to 9 are so far as I can see, provided for partly by the Revenue Act and partly by G. O. no. 543 of the 1st April, 1926. When section 10 goes out, section 37 of the Bengal, Assam and Agra Civil Courts Act is there to take its place, and I understand that local opinion prefers that section to section 3 of the Oudh Laws Act, of which section 10 of the rules is a transcript. This is what I submitted to the Hon'ble the Home Member in the select committee. I may submit here that section 10 mentioned above refers to that section by which Mr. Panna Lal is getting prominence over us, and is on the lines of section 3 of the Oudh Laws Act. It will be clear that Mr. Stiffe does not only speak of the opinion of the members of the committee, but of the opinion in general. He is expected to have expressed his opinion after due inquiry, as he was a Commissioner who had spent the most part of his service in Kumaun and had reason to know more about the Kumaunis and their opinion than Mr. Panna Lal. The present resolution merely reiterates this view with the rider that Mr. Panna Lal's book should not be treated as a proof of custom, and this I have done owing to the novel amendment with which I was faced in the select committee. My reason for this is that after its publication the mere exhibition of this book of Mr. Panna Lal is looked upon by the courts as sufficient proof of the alleged custom and any

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evidence to contradict it is ever always at a discount. This is presuming in favour of an exception and calling upon a party to prove a rule which is both against law and commonsense. I submit, Sir, leaving aside the question of whether the custom exists or not, or even admitting that a custom—immoral and perverse—does exist (which I do not admit, but only say for argument's sake); why should laws be framed as to preserve a certain act as a museum sample of a barbarism which the people concerned may have long outgrown. In conclusion, Sir, I commend this resolution for the favourable consideration of this House. The endeavour at grafting Mr. Panna Lal's report on the personal law of Kumaun has no public sanction behind it, and I hope the Hon'ble the Home Member will consider the matter seriously and accept my resolution.

Pandit Prem Ballabh Belwal : I rise to support the motion moved by my friend from Almora. He has given a full description of the past history as to how these nefarious rules prepared by Mr. Panna Lal came into force. It will suffice for me to give a short history of the whole affair and I will submit that prior to these books on local customs governing our social questions, the laws in force were, in the main, the Hindu Law and usage and Mitakshara, etc. and these laws were generally cited as deciding principles of laws of Kumaun and every case used to be decided in accordance with the broad principles of the Hindu Law. But of late officers of Kumaun began to find favour with the rule of customs, and there was a growing tendency with them to give undue weight to the so-called customs. The net result was that people began to plead customs as it suited their purpose on the one hand, a party began to preach fantastic and imaginary customs and there was no bar for a disputant to refute them in his own way. As early as 1915 the Government pretended to codify certain customs and revenue laws, and it appointed a committee presided over by Mr. V. A. Stowell, I.C.S. In that committee there were a few representatives from Kumaun. That committee toured all over Kumaun and prepared a draft Bill, but that draft Bill did not find favour with the Government and was either shelved or rejected. After that as the Government was interested in giving special importance to Kumaun customs they deputed Mr. Panna Lal, I.C.S., for this purpose in the year 1919. The members of this House will be amused to hear the extraordinary procedure adopted in conducting that inquiry. He was all alone, unassisted in his investigation, there were no representatives of Kumaun present at the time. It is a general belief that he started his inquiry with certain preconceived notions about Kumaun customs and was not open-minded. After that he deliberately excluded all the intelligentsia and included only the backward and illiterate and depressed classes. Those illiterate people did not understand the implication of customs and queries that were put to them—which were, of course, very complicated, and as they were not accustomed to answer such queries from a Sahib of his eminence—they somehow or other met the wishes of Mr. Panna Lal. Sir, he generally inquired from individual persons of a low status. All individual cases of immorality were indiscriminately recorded as the prevailing customs affecting all communities throughout Kumaun. At the same time all the communities and families were not called or examined. For instance, I may say of my own community. We had no occasion to go to Mr. Panna Lal in this connexion and so, Sir, is the case with many other communities

there. In this way he generalized individual wrongs and acts and included all sorts of immoral customs which are now being made applicable with equal force to all people there. In his prefatory note he has admitted that he never paid any attention to the findings of courts and to acts, moral, or immoral. He says. "My method of work has been to collect the people and ascertain from them by reference to actual examples, especially those unconnected with courts." All the people who have some interest in the society and its affairs are connected with courts, except those poor or illiterate persons who have no stake in the country and they are mostly unconnected with courts. "What the actual custom with reference to any particular subject is, I have paid no regard to rulings or to entries of customs in revenue records nor again to the question whether the custom is moral or immoral. These questions, I take it, were outside my province. I was required to find out and record the custom as I found it. However, I have added some miscellaneous information on these points also in the commentary in the rules." He completed his inquiry, as my friend has said, within a short period of one year, and covered an area of three districts, which is so tedious, and he examined 20,000 people. He seems to have kept no detailed record of his inquiry and we do not know how he arrived at the principle of a custom. Whether he took for this purpose one instance or more is nowhere defined in his book. But it is open to us all that he did not care to examine a series of concrete and definite instances of customs prevailing in that community, but individual statements were recorded as customs affecting all communities alike. The worst thing is that he says that he did not pay any attention to the findings of courts. Within the last 60 or 70 years of British rule in Kumaun all varieties of cases pertaining to customs must have come to the courts and there must have been findings with regard to them. But he did not pay any attention to the findings of the courts and examined those people unconnected with the courts. Moreover, he has not said that such and such a custom is found in such and such a community or class; he has generalized them as a whole. For instance, a custom found among the depressed classes, so-called doms, is made applicable to all the communities and classes in the hills. There is no mention that a particular custom is found in certain families or in certain communities or classes.

The Hon'ble the Home Member : May I know which custom ?

Pandit Prem Ballabh Belwal : Any custom which he has mentioned in his book— all these customs against which we are speaking so bitterly.

As regards findings of courts, Mr. Panna Lal has put them aside. He gives no indication whatever of the essentials of an actual custom; he does not show whether a custom is in accordance with the general law itself or something at variance with the general law. Mr. Stowell's Manual, Dr. Joshi's book, and Mr. Panna Lal's Kumaun customs do not at all discuss the requisites of customs or valid customs. It does not appear what people understand by actual custom apart from examples connected with courts. They were simply called in and asked what happened in a family on a particular occasion, and they had to say one thing or the other in reply. What to say of ignorant people, even educated men do not correctly differentiate a valid custom from the general law. Mr. Stowell's Manual did not aim at any appalling revolution; hence the storm of opposition was not so acute; but Mr. Panna Lal's and Dr. Joshi's books have created a storm of adverse

[Pandit Prem Ballabh Belwal]

criticism and there was a storm of protests from all quarters, and from all platforms. All local boards and all Bar Associations were at one—practically the whole of Kumaun—in condemning these books. There is not a single voice which is in favour of Mr. Panna Lal's book and I can challenge the Government, the Hon'ble the Home Member, to show if they have any support from non-officials there. I further understand that every public association has sent a representation condemning this book—I think there must be heaps of such representations with the Government. Moreover, as already mentioned, the committee formed with Mr. Stiffe, as Chairman, and in which some prominent members of Kumaun took part, was also of the opinion that Kumaun should be governed exclusively by the Hindu law. And again there was one more committee to which reference has been made by my honourable friend, on which Khan Bahadurs Hafiz Hidayat Husain and Maulvi Fasih-ud-din served. On the Government side Mr. Norton, ex-Legal Remembrancer and Mr. Clay, the Chief Secretary, were to represent the Government point of view. They were also of the same opinion, I may further say, that we the Kumaunis are perfect Hindus and we go through all the ceremonies. We are even more orthodox than men in the plains. We perform shradhhs; we go through all the customs and tenets of the Hindu religion. Moreover, the Hindu law even applies to converts; it invariably applies also to Jains, Brahmo-Samajists and Arya Samajists. When this law can apply to people who are not actually Sanatanists, why should it not apply to Kumaunis? Government will probably say that there are certain customs which are peculiar to Kumaun and which are not to be found among Hindus here in the plains. We do not deny that there are such customs. There are special customs in every community, but this does not mean that such communities are outside the scope of their Hindu and Muhammadan brethren. It must be remembered that the Hindu law does not exclude any usage of custom which has the sanction of time and which is not opposed to public morality. I do not think that in Kumaun there will be found any custom adhered to by any community as a whole which is opposed to public morality or which has not the sanction of time. Moreover, the people of Kumaun have now awakened and are not prepared to submit to this arbitrary rule of obsolete customs. There has been cultural and economic advancement there as elsewhere. If they have shown with one voice some special liking for Hindu law, I do not think that it is proper for the Government to refuse their request. I think that every community has a right to be governed by such social laws as it likes. I know that the effect of customs in courts is very bad. One man will plead one custom, and another man another, and thus field for unlimited litigation will be created. With these words I would specially request the Government not to force on Kumaunis any special customs which are abhorrent to them. I do not think that the Government has any connexion with our social matters and it is not a matter of public peace and safety. If we want to be governed by the Hindu law, as we claim to be Hindus, I hope the Government will not interfere in this matter.

Khan Bahadur Hafiz Hidayat Husain: Sir, I beg to move that in lines 5, 3 and 4 between the words "prevail" and "unless" the words "in cases in which the parties are Hindus" be inserted and at the end of the resolution a comma may be substituted for the full stop and the words "but in cases in which the Muslims are parties the personal law of the

Muslims shall invariably prevail" be added. The resolution, as amended by me, will read like this.

That this Council recommends to the Government that in matters of legislation relating to Kumaun the Hindu Mitakshara law should always prevail in cases in which the parties are Hindus, unless the custom alleged is proved independently of Mr. Panna Lal's book on Kumaun customs, but in cases in which the Muslims are parties the personal law of the Muslims shall invariably prevail.

My object in amending this resolution is to give definiteness to the wording of the resolution under discussion. The Government has introduced a Bill relating to the Kumaun customs, and when a motion for the Select Committee was made for that Bill, I submitted that in cases in which the parties are Muslim the personal law of the Muslims should be allowed to prevail. The Hon'ble the Finance Member had sympathy for my contention and stated that when the Bill was taken into consideration in the Select Committee my submission would be effectuated. Now, Sir, since the Bill was introduced there have been certain controversies in the Muslim press on this matter and the Muslim press has unanimously supported my view that in cases in which the parties are Muslims the personal law of the Muslims must prevail. This controversy arose on account of a few adverse decisions of the Privy Council. I have got nothing to say with regard to the customs contained in Mr. Panna Lal's book, because unfortunately I have not read the book. But my experience as a lawyer tells me that custom is independent of the Hindu law and that even the Indian Evidence Act has got special provisions as to how to prove customs, and therefore I think my friend's resolution that the Hindu law shall prevail unless a custom is proved, even independently of Mr. Panna Lal's book, has got force in it. I hope that the Council will accept the resolution, as amended by me.

The Hon'ble the Home Member: Sir, it is not my intention to inflict a lengthy speech on the House at such a late hour. We had two very learned discourses and have learnt all about Kumaun which was worth knowing, and we have received it in repeated doses. So I do not think that I should take much of the honourable members' time.

There are a few things on which I should like to make observations. My friend, the honourable member for Naini Tal, in his speech said that the Government has no right to interfere with our social and personal law. I wish to assure him and the House that the Government have no such intention. They never had any such intention. The position is this that in Kumaun, as was admitted by the honourable member, there were some customs, perhaps there are still some customs, among the depressed classes and among the illiterate people. The Government, when they decided to remove Kumaun from the Scheduled Districts Act, thought that the same protection about customs which is being enjoyed by the people under the rules and regulations should continue to be enjoyed by them in future. At present the Kumaun is under the Scheduled Districts Act. There are some rules made under that Act and they give certain protection to the customs there. In Oudh there are certain portions where under the Bengal Assam Civil Courts Act such protection is being given to those customs and we thought that when we were going to remove Kumaun from the Scheduled Districts Act we should provide for the protection of old customs. That is

[The Hon'ble the Home Member]

the fact. There was no intention of interfering with the customs, social or personal law of anybody by the Government. When the amendment to Bengal Assam Civil Courts was before the House, it was referred to the select committee. It was in the select committee that we learnt that there was a genuine feeling and a very strong feeling amongst those who were representing those areas on the committee against this amendment bill and it was after making some enquiries in deference to these views that we thought that we might drop the bill. So far as the real point is concerned, I can give full satisfaction to the honourable members that the Bill against which they are trying to protest is being dropped, we are not going to proceed with it, but will proceed with the others. As far as we are concerned we are going to remove Kumaun from the Scheduled Districts Act. Our intention was to give protection to those customs, and now we have decided in view of this opposition, to drop it. Of course, the future governments, if they find that there is again a feeling amongst those who are following certain customs, may perhaps find it necessary to bring up that Bill again. At present we are going to drop it and for this reason I think the honourable member will withdraw this resolution.

Chaudhri Bharos :

चौधरी भरोस,

जनाब प्रेसीडेन्ट साहिब,

पन्नालाल कमिश्नर गये, बहुत अच्छा काम किया और अब वह हमारे बनारस में कलकूर हैं और बहुत अच्छा काम कर रहे हैं।

Rai Bahadur Babu Vikramajit Singh : Sir, I wish to say a few words on the resolution which is before the House. To my mind the resolution is a very simple one. All that it means is that the law which prevails everywhere ought to be respected. What the mover of the resolution means is that they as Hindus ought to be governed by the Mitakshara Law. They ought not to be governed by the book which has been compiled by Mr. Panna Lal and which narrates customs. I have no quarrel with this book; whether it is good, bad or indifferent, I have nothing to say. All that I have to say is that, as it happens, every individual is governed by his personal law and if any party sets up a custom, the onus of proving that custom will be on that party. The custom can override the law, but the law cannot override the custom. Therefore the law will prevail and if anyone sets up a custom and proves it, then in that case the custom will override it and Mr. Panna Lal's book can also be cited by any party as a piece of evidence if it comes under the Evidence Act. This is all that is wanted. Therefore I think it is not necessary to withdraw the resolution. I think the Government might accept the resolution because it merely defines that the Hindus of Kumaun ought to be governed by the Law of Mitakshara and that that law ought to prevail unless and until a custom is set up and is proved according to law. Therefore I give my support to the resolution before the House.

Mr. J. R. W. Bennett : Sir, I should like just to say a few words about the suggestion that custom should be proved independently of Mr. Panna Lal's book. A good deal has been said about Mr. Panna Lal's book and I do not propose to suggest that what Mr. Panna Lal has said is in any way sacrosanct or that he is infallible. I do not propose to

offer any opinion at all about his book, because in my opinion that is a question for the courts to decide when any particular custom is brought to their notice. But I do not consider that it would be possible or desirable to legislate in such a way as to provide that the courts should be unable to consider a particular book when it is cited by any particular party in support of or against any particular custom. That would be in effect to interfere with the Law of Evidence. The court is entitled to consider any such evidence that may be brought before it as it considers relevant. If therefore the courts consider that Mr. Panna Lal's book is relevant evidence on any particular custom, they should be entitled to take it into consideration. That does not mean that the court must necessarily follow what Mr. Panna Lal has said or accept his finding on any particular point. It is perfectly open to the parties to produce evidence in any case to show that Mr. Panna Lal's finding as regards any particular custom is not justified by the facts. Moreover, as the honourable member for Naini Tal pointed out, Mr. Panna Lal did not purport to give a list of customs which he thought should be enforced by the courts. He specially mentioned in his introduction that he did not consider the question whether a custom was moral or immoral. That is a question for the courts to consider. So that the fact that this inquiry was made by Mr. Panna Lal and the fact that he has come to certain findings on these customs in this book does not settle the question of their validity once for all, and Government have no intention of suggesting that Mr. Panna Lal is the final authority on the subject, because he is not. But I submit that it would be quite impossible for Government to legislate to provide that when any custom is brought before the courts for consideration, even the courts would not be entitled to do what they would otherwise be entitled to do under the Law of Evidence and take Mr. Panna Lal's book into consideration. It is for these reasons that Government are unable to accept the resolution as it stands.

Rai Bahadur Babu Vikramajit Singh: May I put a question? Is the book compiled by Mr. Panna Lal evidence under the Evidence Act? If so under what section? As Mr. Panna Lal is alive and he has written the book, can it be treated as evidence under any section of the Evidence Act?

Mr. J. R. W. Bennett: That is a question for the courts to decide when it is brought before them. I may mention that the book has been cited before the High Court and they have considered it as evidence.

Pandit Joti Prasad Upadhyaya: Can it be cited as evidence or as a book having some authority?

Mr. J. R. W. Bennett: The High Court may or may not have referred to it as authoritative evidence, but they have certainly referred to it as evidence.

Thakur Jang Bahadur Singh Bisht: I regret to find the attitude the Government have taken. Still Mr. Panna Lal does lurk behind their brains. I do not consider that the matter is in any way *sub judice*. As such it is open to this House to decide whether a certain book shall be introduced in legislation, a book which automatically has found its place in the Evidence Act, though it should not have found its place there. I think that the gentlemen on the Government benches will admit that when they were executing judicial duties they insisted that if a man was alive

[Thakur Jang Bahadur Singh Bisht]

that man must be produced in the witness-box, but Mr. Panna Lal is given the exclusive right to live and yet not enter the witness-box. I am unable to say how Mr. Panna Lal's book can be admissible in evidence. Much has been made out by saying that the member from Naini Tal said that Mr. Panna Lal did not care to see whether the customs were moral or immoral. My submission is that this does not mean to say that a certain custom existed, but I myself say that if a certain custom does exist, does the Hindu Law allow that custom to be recognized? Has that custom to fill in and comply with the requisites of a valid custom or not? This is another bombshell on Mr. Panna Lal. I think the ingredients of Hindu Law are quite plain, and I suppose the members of this House have the fullest right to go into the case and say that because one of the provisions is that the custom must be moral and because this book provides for immoral customs, this book should be consigned to the waste paper basket. I am unable to accept the offer of the Hon'ble the Home Member. On a matter of principle I could not do it and I regret that though he has tried to come to an amicable settlement, I am unable to help him, though I thank him.

The Hon'ble the Home Member : I think the position is exactly as was mentioned by the Leader of the Constitutional Party in his speech. When we have given this undertaking that we are not going to proceed with that Bill it means that we are going to place Kumaun at par with the rest of the province. The Hindu Law will be applied as a rule: customs will have to be approved by the party who is following that custom. This is exactly what will be the position and what the honourable the Leader of the Constitutional Party said. As to the question of attacking the author of a certain book, to my mind it is quite irrelevant. Moreover, I personally do not like people being attacked when they are not present to defend themselves. A certain person made a certain inquiry, wasted his time, went from place to place. His conclusion may be wrong. I do not claim that he is infallible. He may be right in certain cases may be wrong in others, but to be attacked when he is not present to defend himself is rather hard on him.

The Hon'ble the President : I think it is the question of an authority being quoted. That is all: it does not seem to be a personal attack.

The Hon'ble the Home Member : What I submit to the House is that in accepting the resolution they are going to accept this portion of it, namely, "Unless the custom alleged is proved independently of Mr. Panna Lal's book on Kumaun customs," which means that they are going to take it for granted that whatever Mr. Panna Lal said in his book is incorrect. I submit, have all the honourable members read that book? Do they know in what way he compiled it? Will it be right for them to give their verdict without reading the book, without hearing from the author of the book? These are the reasons why I do not accept the resolution, but I have met the desire of the honourable members by saying that we are going to drop that Bill and we will put Kumaun at par with the rest of the province. In Oudh and other places there are certain customs. People come forward and say that they follow certain customs under the Hindu Law and Hindu Law accommodates them. After a custom is proved the Hindu Law is willing to accommodate it. This will be the

position of Kumaun also and I do not think that anybody can have any objection to it.

Rai Bahadur Babu Jagadeva Roy : May I ask one question, Sir. Are the Government prepared to say that that book has not been sanctioned by the Government?

The Hon'ble the Home Member : The honourable member perhaps wants to know whether that book has the authority of Government. Well, the position about the book is this. Government asked for the inquiry. That inquiry was made by Mr. Panna Lal and the book was compiled and Government has nothing to do further with it.

Rai Bahadur Babu Jagadeva Roy : What I want to know is that for instance there is the present book which has been written by Mr. Panna Lal and there is another book written by some other gentleman. Well then the Government will have two books and which of the two should be considered authoritative?

The Hon'ble the Home Member : It is for the court to decide, Sir. Government will have nothing to do with it. Cases will come before courts and as a rule the Mitakshara Law will apply. If somebody will prove that he was following a certain custom, then it is for the court to decide. Government will have nothing to do with it.

Pandit Joti Prasad Upadhyaya : I want to know whether Government will be prepared to state whether this book of Mr. Panna Lal is a binding authority on courts with regard to the existence of a custom.

The Hon'ble the President : The Hon'ble the Home Member has said that it is for the court to decide whether they accept it as an authority or not. How can Government give direction to the court to accept a certain book?

Rai Bahadur Babu Vikramajit Singh : Is it a fact that this book has been published under the authority of Government?

The Hon'ble the Home Member : Yes, it was. The inquiry was made under the orders of the Government and so it was published. It does not compel any court in any way. Courts are quite free to do what they like.

Rai Bahadur Babu Vikramajit Singh : Has the honourable member seen that it begins by saying that the Mitakshara Law applies with the following modifications and then the book goes on expressing modifications. So that this book clearly lays down that the Mitakshara Law applies only with all these various modifications supported by customs and the book is published under the authority of the Government. So the courts take it that it is a codified law issued under the authority of the Government.

The Hon'ble the Finance Member : Sir, may I intervene? Printed by authority merely means by permission. Government is not responsible necessarily for the correctness of the views expressed.

Thakur Balwant Singh Gahlot : Sir, to remove this ambiguity, may I propose an amendment.

The Hon'ble the President : It is too late now. It will be against all procedure if I allow an amendment now.

The Hon'ble the President: May I take it that the resolution is being pressed?

Thakur Jang Bahadur Singh Bisht: Yes, Sir.

The Hon'ble the President: The original resolution moved was:

"That this Council recommends to the Government that in matters of legislation relating to Kumaun the Hindu Mitakshara law should always prevail, unless the custom alleged is proved independently of Mr. Panna Lal's book on Kumaun customs."

since when an amendment has been moved that between the words "prevail" and "unless" the words "in cases in which the parties are Hindus" be inserted and that at the end of the resolution a comma for the fullstop be substituted and the following words be added:—"but in cases in which the Muslims are parties the personal law of the Muslims shall invariably prevail."

The question is that these amendments be made.

The question was put and agreed to.

The Hon'ble the President: The question is that the following resolution be adopted:

"That this Council recommends to the Government that in matters of legislation relating to Kumaun the Hindu Mitakshara law should always prevail in cases in which the parties are Hindus, unless the custom alleged is proved independently of Mr. Panna Lal's book on Kumaun customs, but in cases in which the Muslims are parties the personal law of the Muslims shall invariably prevail."

The question was put and agreed to.

The Council was then adjourned at 4.40 p.m. till the following day.

APPENDIX A

(See page 123, supra)

Inspection note referred to in answer to Part (b) of starred question no. 1 asked by THAKUR KESHAV CHANDRA SINGH

DISTRICT BOARD, BANDA

The Board has now what seems to be the best housed office in the town. The building is capacious, well ventilated and lit. The only question is whether the large sum spent on it could or could not have been used on more deserving needs.

The Education branch of the office is well organized. The staff consists of a head clerk on Rs 70, an accountant, a record-keeper, a bill clerk, two ahlmads and two relieving teachers. This appears to be a large staff for the control of 365 schools. There is a satisfactory list showing the distribution of work in the office. A cursory inspection is unreliable but my impression is that the staff is rather unnecessarily large.

The teachers' pay bills for the month of October were paid on the 14th of November for the town schools and on the 25th November for the rural schools. The bills for November are still under preparation. As only a few changes are required in these bills each month it should be quite easy to arrange matters so that all payments are made not later than the 15th.

As regards the main office the head clerk, with 16 years' service, draws Rs.90 as pay. The total cost of the office is Rs.610 per mensem. The cost of general administration is not unduly high compared with that incurred by other districts.

An Order Book is maintained, but has not been used much of late. The last order of the Chairman was of 30th May, 1931, and the last order by Secretary of 30th October, 1931. I can hardly believe that no orders have been called for or issued since then.

There is an inspection book, but there has been no inspection by the Chairman for a very long time. There was a fairly complete inspection by the Secretary in July, 1931, and two brief notes in January and November of this year.

There is a list of unanswered references, which it is said is for the month of November. It contains 119 items dating back to 4th August, 1932. Replies have been sent to 22 of these. The list is not impressive and did not strike me as being really genuine. No orders of any kind have been passed on the older items. A definite list showing all references pending for more than one month should be put up separately to the Chairman and an order on each item should be taken. This is the only way to ensure that the delays that undoubtedly occur are checked. For instance an inquiry was made in February, 1932, regarding cuts in the salaries of district board employees. Innumerable reminders had to be sent before a reply was sent in June. Again in February a letter was sent to the Board about the realization of Inspection House fees from Panna officials but no reply was received till September. The office was asked on 7th September to send a file relating to cattle impounded in the forest area but no reply has yet been received.

It is not very clear how many outstanding bills await payment. The oldest produced is that of the Rajapur school building dating back to 25th January, 1932. A bill relating to the metalling of one mile of the Karwi-Rajapur road has been pending since 1927-8. There is moreover a general complaint that the bills of one year are left over for settlement till the next year. There should be a clear register of works showing the date and number of the Board's order sanctioning the work, the date of the giving of the contract, the date of completion and the date of final payment. If no such register exists, it should be opened at once.

There has been great delay in the preparation of the nazul registers. There is correspondence pending about this with my office, and the Board has been asked to send in a monthly progress report until the registers are completed. This point requires particular attention.

The audit note for the year 1930-31 is still under correspondence, the last letter from my office was of 18th October, 1932. There is no reason why a reply to this letter should not have been sent by now. Stocks are not verified annually and some temporary advances have not been adjusted for years. There is also apt to be great delay in the collection of outstanding demands. The auditors have called pointed attention to some other irregularities for which the Secretary is solely responsible.

The work of the Board is progressing without undue friction. The great danger to be avoided is that of delays and failure to attend to business. In this connexion the Assistant Surgeon in charge of the sadar dispensary complains that he has made numerous requests that have received little or no attention. I would suggest to the Chairman that it is most important that he should personally spend at least one hour in his office in the office building every morning. The presence in the office during office hours of the head of the office always has a most admirable effect. I hope that the Chairman will do his very best to comply with this in future.

CAMP BANDA :

The 15th December, 1932.

G. M. HARPER,

Commissioner, Jhansi Division.

APPENDIX B

(See page 129, supra)

*Statement showing the information asked for in starred question
no. 16 for the 17th February, 1933*

Names of districts or areas where settlements have been made since 1920	Amount of periodical enhancements made so far and the year from which they were to be realized
Saharanpur	Rupees 86,470 from Karif 1333.
Muzaffarnagar	" 62,865 " " 1333.
	" 65,648 " " 1334.
	" 46,377 " " 1339.
Muttra	" 8,910 " " 1336.
	" 2,210 " " 1337.
	" 3,165 " Rabi 1338.
Agra	Periodical enhancement not yet due.
Budaun	Rupees 4,894 from Rabi 1340.
Lucknow	In this district Government have postponed till December, 1933, the periodical enhancements which were to fall due from Rabi 1340 and Kharif 1341 Fasli.
Unao	Periodical enhancement not yet due.
Rae Bareli	Rupees 7,579 from Rabi 1340 Fasli.
Hardoi	Periodical enhancement not yet due.
Tahsil Sidhauhi, district Sitapur, ex- cluding pargana Kundri South.	Ditto ditto.
Pargana Nanpara, district Bahraich ..	Ditto ditto.
Partatgarh	Ditto ditto.
Bara Banki	Rupees 46,320 from Rabi 1340 Fasli.

APPENDIX C

(See page 133, supra)

THE UNITED PROVINCES VILLAGE PANCHAYAT
(AMENDMENT) BILL, 1932

A

BILL

To amend the United Provinces Village Panchayat Act, 1920

WHEREAS it is expedient to amend the United Provinces Village Panchayat Act, 1920 (United Provinces Act VI of 1920), and whereas the previous sanction of the Governor General has been obtained : It is hereby enacted as follows :

Short title and commencement.
193 .

1. (1) This Act may be called the United Provinces Village Panchayat (Amendment) Act,

(2) It shall come into force on such date as the Local Government may by notification in the *Gazette* appoint in this behalf.

Definition.

Panchayat Act, 1920.

2. In this Act the expression "the principal Act," shall mean the United Provinces Village

Amendment of section 1(2) of the principal Act.

3. In sub-section (2) of section 1 of the principal Act, the word "Governor" shall be substituted for the words "Lieutenant-Governor."

4. In sub-section (1) of section 17 of the principal Act, the words "Theft where the value of the property stolen does not exceed ten rupees" and the words "Provided that no offence of theft shall be cognizable by any *panchayat* unless an accused person has been either apprehended or recognized and named" shall be *deleted* and the following shall be *added* at the end :

"(d) Under the United Provinces District Boards Act, 1922—

Breaches of rules made under section 172 and of by-laws made under sub-section (2) of section 174 and punishable thereunder ;

(e) Under the United Provinces Primary Education Act, 1919—

Disobedience of the notice issued under section 9 and punishable under sub-section (1) of section 10."

Deletion of sections 19 and 20 of the principal Act.

5. Sections 19 and 20 of the principal Act shall be deleted.

Addition of a new section 19 to the principal Act.

6. The following shall be *added* as a new section after section 18 of the principal Act :

"19. No *panchayat* shall take cognizance of any offences punishable under the rules made under section 172 and of by-laws made under sub-section (2) of section 174 of the United Provinces District Boards Act, 1922, except on the complaint of, or upon information received from, the district board or some other person authorized by it by a general or special order in this behalf.

Addition to section 21
of the principal Act.
end:

7. In sub-section (1) of section 21 of the principal Act, the following shall be *added* at the

“(d) Under the United Provinces District Boards Act, 1922—
Fine not exceeding five rupees.”

8. Sub-section (2) of section 24 of the principal Act shall be *deleted*,
Amendment of sub- sub-sections (3) and (4) shall be re-numbered (2)
section (2) of section 24 and (3) and the following shall be *added* at the
of the principal Act. end:

“(d) Under the United Provinces District Boards Act, 1922—
Fine not exceeding ten rupees.”

STATEMENT OF OBJECTS AND REASONS

PETTY cases of theft are triable by village *panchayats*. But the importance of an offence of theft is not properly gauged by the amount of the property stolen but by the status of the person involved. Village life is essentially factious and cases are not uncommon when one faction tries to implicate its opponents falsely in cases like these. *Panches* themselves may be interested in one party or the other. The *panchayats* are not bound by any rules of evidence and their verdict is final. The aggrieved person in such cases is left without any remedy even though he may have been quite innocent. Theft is an offence involving moral turpitude and people will spend money out of all proportion to the amount of the property stolen to remove the stigma of such a conviction. It is, therefore, only proper that the power to try cases of theft should be taken away from the *panchayats*, which are a mere pretence of a court of law and have failed to develop that sense of justice and responsibility which is so essential for creating confidence in the public mind.

2. On the other hand cases of breaches of rules and by-laws made under the District Boards Act and the disobedience of notices issued under the Primary Education Act are cases which can most appropriately and easily be tried by the *panchayats*. This would also more than make up the deficiency which would be caused by the taking away of their jurisdiction with regard to cases of theft.

3. Other amendments are either formal or consequential.

RAM BAHADUR SAKSENA.

The 15th October, 1932.

APPENDIX D

(See page 150, supra)

THE UNITED PROVINCES SUPPRESSION OF IMMORAL TRAFFIC BILL

WHEREAS it is expedient to make provision for the suppression of brothels and of traffic in women and girls in the United Provinces; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act has been obtained; It is hereby enacted as follows:

Short title.

1. (a) This Act may be called "the United Provinces Suppression of Immoral Traffic Act, 1933".

(b) All or any of the provisions of the Act shall come into force in such parts of the United Provinces of Agra and Oudh and on such dates as the local Government may, by notification in the *Gazette*, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(a) "brothel" means any house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purpose of prostitution;

(b) "prostitution" means promiscuous sexual intercourse for hire whether in money or kind;

(c) "magistrate" means a salaried magistrate of the first class or salaried magistrate of the second class specially empowered by the local Government;

(d) "superintendent of police" means a district superintendent of police, or any other person appointed by the local Government to perform the duties of the superintendent of police for the purpose of this Act.

(e) "prescribed" means prescribed by rules made under section 14.

Punishment for keeping or frequenting a brothel or allowing premises to be used as a brothel.

3. Any person who—

(a) keeps or manages or assists in the management of a brothel; or

(b) goes to a brothel for the purpose of prostitution, shall be punished with imprisonment which may extend to one year or with fine which may extend to five hundred rupees or with both;

(c) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(d) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that the same or any part thereof, is intended to be used as a brothel, shall be punished with imprisonment which may extend to two months, or with fine which may extend to five hundred rupees, or with both.

4. On conviction of the tenant, lessee or occupier of any premises, of any offence under section 3, the court concerned may order, by the same judgment, the person convicted to vacate the premises within a fortnight from the date of conviction. In the event of failing to comply with the said order, the magistrate shall have the premises vacated by force, if necessary.

5. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl, with a view to her carrying on, or being brought up to carry on, the business of prostitution or causes or induces any such woman or girl to carry on the business of prostitution, shall be punished with imprisonment which may extend to one year or with fine which may extend to five hundred rupees, or with both.

6. (1) Any person who detains any woman or girl against her will—
 Detention for prostitution in brothel or with intent.

(a) in any house, room or place in which the business of prostitution is carried on, or

(b) in or upon any premises with intent that she may have sexual intercourse with any man, other than her legal husband, shall be punished with imprisonment which may extend to one year or with fine which may extend to five hundred rupees, or with both.

(2) A person shall be presumed to detain a woman or girl who is in any house, room or place in which the business of prostitution is carried on, or in or upon any premises for the purpose of sexual intercourse with a man other than her lawful husband, if such person with intent to compel or induce her to remain there—

(a) withholds from her any jewellery, wearing apparel or other property belonging to her, or

(b) threatens her with legal proceedings if she takes away with her any jewellery or wearing apparel given to her by or by the direction of such person.

(3) Notwithstanding any law to the contrary such a woman or girl shall not be liable to be proceeded against civilly or criminally for taking away or being found in possession of any jewel, wearing apparel, money, or other property alleged to have been given to or to have been pledged by such woman or girl by or to the person by whom she has been detained:

Provided that it shall be presumed that the jewellery or wearing apparel referred to in sub-sections 2(b) and (3) has been given to the woman or girl unless the contrary is proved.

7. Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of, or frequent a brothel, shall be punished with imprisonment which may extend to one year or with fine which may extend to five hundred rupees, or with both.

8. Whoever—
 Soliciting for purposes of prostitution.

(1) in any street or public place solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance

or danger to the residents or passengers, or to offend against public decency, or

(2) frequents such streets or public place, for the purpose of prostitution or of solicitation, so as to constitute a nuisance, or to offend against public decency, shall be punished with imprisonment for a term which may extend to two months, or with fine which may extend to five hundred rupees, or with both.

9. (1) Where a magistrate, upon creditable information and after such inquiry as he may think necessary, has reason to believe on a complaint made to him that a girl apparently under the age of 18 years is living, or is carrying on, or is being made to carry on the business of prostitution in a brothel, he may issue an order to a police officer not below the rank of an inspector specially authorized in writing in this behalf by the superintendent of police, to enter into such brothel, and to remove therefrom such girl; and thereupon such police officer shall have the power to enter into such brothel, disorderly house or place of assignation, and to remove such girl forthwith from such brothel.

(2) A girl who has been so removed shall be brought before a magistrate's court, and the court shall cause an inquiry to be made concerning her age, and, if satisfied that the girl is under 18 years of age, may make an order that such girl be placed until she attains the age of 21 years or any shorter period, in a rescue home or other institution or in such other custody as the court for reasons to be stated in writing shall consider suitable:

Provided that the person or persons who may be entrusted with the custody of such a girl or be entrusted with the management of the rescue home or other institution where the girl is placed shall be of the same religion as that of the girl.

(3) For the determination of the question whether a girl produced before a court under the provisions of this section is under 18 years of age, the decision of the civil surgeon shall be final:

Provided that on the application of any person concerned and on his paying into court all such expenses in this connexion as may be ordered by the court the decision of the civil surgeon shall be referred to a medical board consisting of three medical practitioners approved by the district magistrate, but not subordinate to the civil surgeon:

Provided further that where there is a lady doctor, in charge of a female hospital, the girl concerned will be examined as to her age by the lady doctor instead of the civil surgeon.

10. Subject to the provisions of the proviso to sub-section (2) of section 9, when a girl has been removed from a brothel under the provision of sub-section (1) of section 9 the police officer carrying out the removal shall, until such girl can be brought before the court, cause her to be detained in a rescue home or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the local Government.

11. Any police officer (not below the rank of inspector) or complainant, and any police officer authorized in this behalf by the superintendent of police by special order, may arrest without a warrant any person committing

in his view any offences punishable under sections 3, 5, 6, 7 and 8, if the name and address of such person be unknown to such police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

12. Notwithstanding anything contained in any other law for the time being in force, only a police officer authorized in this behalf by the superintendent of police by special order may, for the purpose of ascertaining whether an offence punishable under sections 3, 5, 6, or 8 has been or is being committed, enter without warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under sections 3, 5, 6, 7 or 8 has been committed.

13. No court inferior to that of a magistrate as defined in clause (c) of section 2, shall try offences under sections 3, 5, 6, 7 and 8 :

Provided that a trial under this Act shall not be summary.

14. The local Government may make rules—
Powers of local Government to make rules.

(a) for the care, treatment, instruction and the maintenance of girls placed in a rescue home or other institution or other suitable custody, and

(b) for the detention of girls under the provisions of section 10.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to provide a consolidated legislation for the suppression of immoral traffic in the United Provinces, which will give to the authorities such powers as will materially aid them in checking the evil of commercialized vice and will lead to the gradual suppression of brothels and immoral traffic.

The means suggested in the present Bill are—

(a) to strengthen the hands of the authorities in regard to rescuing of minor girls from brothels or places used for carrying the business of a prostitute ;

(b) to empower landlords to get rid of objectionable tenants ;

(c) to provide penalty—

(1) for any person who keeps a brothel or permits the use of any place as a brothel or for carrying on the business of a prostitute ;

(2) for persons found in a brothel for the purpose of prostitution

(3) for procurers, pimps, persons living on the earnings of prostitutes, or such persons as traffic in prostitution ;

(4) for solicitation in public places ;

(5) for causing or encouraging or abetting seduction or prostitution of minor girls ;

(6) for detaining minor girls in any place where prostitution or business of a prostitute is carried on.

E. AHMAD SHAH.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH

Saturday, 18th February, 1933

THE Council met at Council House, Lucknow, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair

PRESENT (87)

The Hon'ble Mr. E. A. H. Blunt.	Chaudhri Ram Adhin.
The Hon'ble Captain Nawab Sir Muhammad Ahmad Sa'id Khan.	Mr. Bhundu Ram.
The Hon'ble Nawab Sir Muhammad Yusuf.	Chaudhri Bharos.
The Hon'ble Mr. J. P. Srivastava.	Pandit Shri Sadayatan Pande.
Mr. J. M. Clay.	Raja Sri Krishna Dutt Dube.
Mr. C. St. L. Teyen.	Rai Bahadur Babu Jagadeva Roy.
Mr. P. Mason.	Mr. Dahari.
Mr. P. M. Kharegat.	Rai Sahib Rajeshwari Prasad.
Mr. H. A. Lane.	Babu Adya Prasad.
Mr. J. R. W. Bennett.	Thakur Giriraj Singh.
Colonel H. R. Nutt.	Pandit Prem Ballabh Belwal.
Mr. H. J. Frampton.	Thakur Jang Bahadur Singh Bisht.
Khan Bahadur Saiyid Ain-ud-din.	Sardar Bahadur Thakur Narayan Singh Negi.
Rai Bahadur Babu Phul Chand Mogha.	Pandit Brahma Dutt <i>alias</i> Bhaiya Sahib.
Mr. J. N. L. Sathe.	Rai Bahadur Thakur Hanuman Singh.
Mr. S. S. L. Dar.	Rai Bahadur Lal Sheo Pratap Singh.
Mr. J. Whitehead.	Kunwar Diwaker Prakash Singh.
Mr. S. T. Hollins.	Thakur Muneshwar Bakhsh Singh.
Saiyid Abdul Hasan.	Raja Birendra Bikram Singh.
Mrs. Kailash Srivastava.	Rai Bahadur Kunwar Surendra Pratap Sahi.
Mr. E. Ahmad Shah.	Mr. Zahur Ahmad.
Rai Sahib Babu Rama Charana.	Syed Yusuf Ali.
Mr. Perma.	Captain Nawab Muhammad Jamshed Ali Khan.
Rai Bahadur Babu Kamta Prasad Kakkar.	Nawabzada Muhammad Liaquat Ali Khan.
Chaudhri Jagarnath.	Mr. Muhammad Rahmat Khan.
Chaudhri Baldeva.	Khan Bahadur Muhammad Hadiyah Khan.
Mr. Tappu Ram.	Khan Bahadur Hafiz Hidayat Husain.
Raja Bahadur Kushal Pal Singh.	Khan Bahadur Saiyid Zahid Ali Sabzposh.
Chaudhri Ram Chandra.	Khan Bahadur Shaikh Ghulam Husain.
Chaudhri Ghasita.	Khan Bahadur Saiyid Jafer Hosain.
Chaudhri Arjuna Singh.	Shaikh Afzal-ud-din Hyder.
Rao Bahadur Thakur Pratap Bhan Singh.	Khan Bahadur Maulvi Muhammad Fezlor Rahman Khan.
Rao Bahadur Thakur Bikram Singh.	Khan Bahadur Sirdar Muhammad Shakirdad Khan.
Kunwar Girwar Singh.	Khan Sahib Muhammad Imtiaz Ahmad.
Pandit Joti Prasad Upadhyaya.	Shaikh Muhammad Habibullah.
Chaudhri Dhira Singh.	Raja Saiyid Ahmad Ali Khan Alvi.
Rai Sahib Kunwar Dhakan Lal.	Rai Sahib Lala Anand Sarup.
Thakur Balwant Singh Gahlot.	Chaudhri Muhammad Ali.
Rai Bahadur Mr. Brij Lal Badhwar.	Thakur Rampal Singh.
Rai Bahadur Babu Manmohan Sahai.	Raja Jagannath Bakhsh Singh.
Babu Ram Bahadur Saksena.	Rai Bahadur Babu Vikramajit Singh.
Lala Shyam Lal.	Babu Gajadhar Prasad.
Babu Kamta Nath.	
Mr. Brijnandan Lal.	
Rao Narsingh Rao.	

QUESTIONS AND ANSWERS

STARRED QUESTIONS

MENTAL HOSPITAL, AGRA

***1. Pandit Joti Prasad Upadhyaya :** (1) Is there any advisory Committee for supervising the Mental Hospital at Agra ?

(2) Who are the members of it and what are their qualifications ?

(3) Are all visitors of this hospital members of the above committee ?

(4) When are the meetings of this committee held ? What are its functions ?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf) : (1) There is no such advisory committee.

(2), (3) & (4) Do not arise.

***2. Pandit Joti Prasad Upadhyaya :** (1) Have the Government considered the desirability of providing suitable cooks for cooking the food for lunatics in this Mental Hospital instead of having it prepared by the patients of the hospital ?

(2) What is the opinion of the Superintendent of the Hospital regarding the quality of food cooked by the patients of the hospital ?

(3) Have Government devised any plan by which better food is supplied to the patients in future ?

The Hon'ble the Minister for Local Self-Government : (1) The matter is under consideration.

(2) The Superintendent is of opinion that except for the *chapatis* in one section of the hospital the food is satisfactory both as regards quality and quantity. He suggests that the *chapatis* referred to could also be improved with an electric mill and extra cooks.

(3) The honourable member is referred to the reply given to part (1) of this question.

ADMINISTRATION OF THE DUFFERIN FUND

***3. Pandit Joti Prasad Upadhyaya :** (1) Are there any rules framed by Government for the administration of the Dufferin Fund ?

(2) Are there advisory committees in various districts in these provinces to supervise the working of Dufferin hospitals in these provinces ?

The Hon'ble the Minister for Local Self-Government : (1) No. The Dufferin Fund is a private fund and is administered by the United Provinces Provincial Committee and the various branch committees of the National Association for supplying medical aid to the women of India, registered under Act XXI of 1860, under the rules of that association.

(2) Yes, the United Provinces Provincial Committee and the committees of the various local branches of the Countess of Dufferin's Fund supervise the working of Dufferin hospitals in these provinces.

THOMASON HOSPITAL, AGRA

*4. **Pandit Joti Prasad Upadhyaya :** (1) Is there any advisory committee appointed by the Government to supervise the working of the Thomason Hospital, Agra?

(2) If not, will the Government consider the desirability of constituting such committee?

The Hon'ble the Minister for Local Self-Government : (1) No.

(2) No. In the opinion of Government no such committee is required for this State institution.

*5. **Pandit Joti Prasad Upadhyaya :** Will the Government be pleased to supply the following information about the Thomason Hospital at Agra in cases in which fee was charged?

Year	Cases of urine examination	Cases of blood examination	Cases of X-Ray examination
1929			
1930			
1931			
1932			

The Hon'ble the Minister for Local Self-Government : The desired information is given below :

Year	Cases of urine examination	Cases of blood examination	Cases of X-Ray examination
1929	1	3	7
1930	..	4	11
1931	2	15	18
1932	..	..	22

CHARGES FOR THE PRINTING OF PAPER BOOKS IN THE ALLAHABAD HIGH COURT

*6. **Pandit Joti Prasad Upadhyaya :** What has been the decision of the High Court of Allahabad in regard to the charges made from the litigants for the printing of the paper books? Have the charges been reduced?

The Hon'ble the Home Member (Captain Nawab Sir Muhammad Ahmad Sa'id Khan) : The charges have not yet been reduced. The matter is still under investigation by the High Court.

INTRODUCTION OF HINDI SCRIPT IN THE ALLAHABAD HIGH COURT AND OUDH CHIEF COURT

*7. **Pandit Joti Prasad Upadhyaya :** (1) Have the Government been pleased to invite the views of the High Court and the Chief Court at Lucknow in regard to the introduction of Hindi script in courts side by side with Urdu script?

(2) What are the views of the two Hon'ble Courts? Will the Government please lay a copy of such views on the table?

(3) Have Government been able to give their decision in the matter? If not, when would they be able to give their decision?

The Hon'ble the Home Member : (1) Yes.

(2) Copies of the replies received from the High Court and the Chief Court are laid on the table.

(See Appendices A and B, page 241.)

(3) In view of the opinions of the High Court and the Chief Court, Government are not prepared to take any action in the matter.

SELECTION OF ASSESSORS

*8. **Pandit Joti Prasad Upadhyaya :** (1) What are the rules at present in force for selecting assessors to help in Session trials?

(2) Will the Government consider the advisability of forming advisory committees in various districts to help the authorities in selecting assessors?

The Hon'ble the Home Member : (1) The honourable member is referred to sections 319 to 324 of the Code of Criminal Procedure, and paragraph 892 of the Manual of Government Orders.

(2) Government are prepared to try the experiment in a few selected districts and are issuing orders accordingly.

EFFECT OF FROST ON THE RABI CROPS.

*9. **Khan Bahadur Hafiz Hidayat Husain :** What has been the effect of the late frost on the *rabi* crops generally?

Do Government propose to give any remissions to the tenants on that account? If so, what is the proportion of remission to rental in the several districts of the province?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt) : (1) The effect of the late frost on the *rabi* crops has been considerable damage to *arhar* and minor damage to garden crops, peas, *sarson* and in some cases to gram.

(2) Remissions on account of crop failure are given not in respect of particular crops but of the *rabi* or *kharif* as a whole. It is as yet too early to form any estimate of that kind. When that has been done, the district officers will undoubtedly formulate proposals, wherever necessary, which Government will deal with in the usual way.

UNSTARRED QUESTIONS

1. **Pandit Joti Prasad Upadhyaya :** (*Postponed at the request of Government.*)

DACOITY CASES IN LUCKNOW

2. **Syed Ali Zaheer :** (1) Will the Government be pleased to inform how many cases of dacoity have occurred in Lucknow during the last six months?

(2) Have the culprits in any of these cases been traced and arrested?

(3) What precautionary steps have been taken by the Government in order to meet the situation?

(4) Is it a fact that some dacoity cases when reported are not recorded as such but as theft cases?

Mr. J. M. Clay : (1) During the six months ending the 31st January, 1933, thirteen dacoities have been reported in the Lucknow District. Of these four occurred in Lucknow City and nine in the rural area.

(2) Yes.

(3) The local authorities have taken all necessary action.

(4) Two cases of dacoity were originally reported under section 358, Indian Penal Code, owing to a mistake of fact. The sections were altered to section 395, Indian Penal Code, when the first information reports reached the Superintendent of Police?

LITIGATION ABOUT A PLOT PERTAINING TO A MOSQUE IN RUKANPUR

3. **Khan Bahadur Muhammad Hadiyar Khan :** (1) Are Government aware that some Muslims of Shikohabad and Rukanpur, in a representative capacity, have given a notice to the Secretary of State for India in Council to file a civil case about a plot of land situate in Rukanpur?

(2) Is it a fact that a civil litigation has just ended about this plot which pertains to a mosque in Rukanpur? Will the Government be pleased to inform the House about the cost of this litigation?

Mr. J. R. W. Bennett : (1) Notice of a civil suit has been received by the Collector.

(2) Government have no information.

4. **Khan Bahadur Muhammad Hadiyar Khan :** Are Government prepared to compromise in this threatened litigation with the Muslim public?

Mr. J. R. W. Bennett : Government will make inquiries into the facts. They can give no undertaking until these are known.

RESOLUTION *RE* AGE-LIMIT OF ELIGIBILITY FOR GOVERNMENT SERVICE AND PENSIONABLE PERIOD OF SERVICE

Rai Bahadur Babu Jagadeva Roy : Sir, I beg to move—

“That this Council recommends to the Government that, in future, for recruitment for public services in the United Provinces the maximum age-limit of eligibility be raised to 28 years and that the maximum period of service entitling one to pension be fixed at 25 years.”

My chief aim in submitting this resolution for the consideration of this Hon'ble House is to solve the problem of unemployment so far as it could be done. I consider that this sort of step may prove helpful to many unemployed men particularly at this time of economic depression. Having considered these points I thought it proper

Rai Bahadur Babu Jagadeva Roy.]

to move a resolution of this kind. Students generally graduate between the ages of 22 and 24 and it is no doubt to their great advantage if they are able to secure suitable employment just when they are still fresh from college, but I realize that under the present abnormal conditions it is not always possible for them to get posts and are therefore placed in difficulties for which they are not themselves directly responsible. If the maximum age of 25 is therefore raised to 28 for entry into government service, there seems to be no particular objection. If I remember right, I saw in December, 1932, a notification in the *Government Gazette* that candidates up to the age of 30 would be eligible for the post of secretary, district board. Then, Sir, there are other departments also where the age-limit exceeds 25. I have also noticed at times that there is a tendency on the part of Government to raise the age-limit for entry into government service. So the only point to be considered in this connexion is whether there would be any particular disadvantage in raising the age-limit from 25 to 28 for entry into government service. Even after this is accepted, there will be nothing against a graduate entering service at the age of 22 or 23, because my resolution simply aims at securing a privilege for them to enter into service even after they are over 25.

The second point of my resolution is as regards the length of the period of service which would entitle them to earn full pension. Under the standing rules as they are at present one is entitled to complete his 55th year, and then to get superannuation pension. It is also open to him to take retiring pension after serving for the period of 30 years only. In this case it is optional if he has not reached the age of 55. So I propose that 25 years should be the maximum period of service instead of 30. My proposal is based on the ground that one who retires after serving for 25 years even under the present circumstances may be able to get his full pension. He may go on serving for the period of 30 years even then he may be able to get full pension if he had enjoyed the maximum salary for the last three years. So if he can enjoy the full pension after serving for 25 years, I see no harm if he be asked to retire after serving 25 years instead of 30. We will have to consider whether there can be any saving by adopting this method. I, as a lay man, think that there will be saving. Suppose that A enters in service on a salary of Rs.300 a month, his maximum salary being Rs.1,000. If he is drawing Rs.1,000 a month at the time of his retirement and gets a pension of Rs.500, then there is a difference of Rs.500 between his pay and pension. The last post will be recruited on Rs.300 and thus there will be a saving of Rs.200 in the beginning to the Government. That is how I have arrived at the conclusion that there will be economy if the retiring age is fixed at 25 years.

There is another point which can be urged against this. It might be urged that the Government is required now to give pension just after 25 years, whereas under the existing system the Government is required to give pension after 30 years' service. So, from this point,

RESOLUTION *re* AGE-LIMIT OF ELIGIBILITY FOR GOVERNMENT 193
SERVICE AND PENSIONABLE PERIOD OF SERVICE

of view, the Government will have to give more in the form of pension. I think that in any case there will be saving to the Government and no loss. So I place my resolution for the consideration of this Hon'ble House and if the House finds that it is really economical and will diminish even to a very small degree unemployment, I would say that the resolution should be accepted. The resolution has been put in a very mild form and there will be no immediate effect of it. This really comes into effect after a very long time. All these things I do realize but I purposely put down the words "in future" thinking that the officers who have already been in government service will never appreciate this and will come forward with the allegation that they entered government service according to the rules then in force. They never thought that they would be made to retire compulsorily after finishing 25 years' service only. All these things are for the consideration of the House and I would submit, Sir, that if the resolution be considered to be in the interests of the public and in the interests of economy which I consider it is to a certain extent, then I would commend this resolution for the favourable consideration of the House.

Thakur Muneshwar Bakhsh Singh : Sir, I give my wholehearted support to the resolution moved by my friend Rai Bahadur Babu Jagadeva Roy and I congratulate him for bringing such a necessary and important resolution. This resolution is important because it certainly helps much in easing the present economic situation. There are two parts of the resolution. The first part is that the age-limit for entering into government service should be raised to 28. Sir, on that point I have to say that some years back the services were overflooded so that when the depression wave suddenly took us unawares, we found that the doors of many departments were shut for new entrants. During some years past many persons who would have got employment in normal times, could not succeed in getting employment, but it was not due to any fault of theirs. It fell to their lots that they became eligible for services at a time when there was no or little chance for them. For that reason I would urge that those persons should be given a chance for employment who could not get it without any fault of theirs. This is my reason for supporting the age-limit.

Now, Sir, the second part of the resolution is that the maximum period of service entitling one to pension be fixed at 25 years. If we adopt this portion of the resolution we will be killing two birds with one stone. On the one hand many of those who are now unemployed will get employment and on the other hand we will be cutting short our provincial expenditure. My friend Rai Bahadur Babu Jagadeva Roy has proved that when a person gets a pension after 25 years then certainly he will get less than what he will be entitled to it after thirty years. There is one more point, Sir, that if the present incumbants are made to retire after 25 years then a large percentage of them will be retiring which will result in effecting large numbers of vacancies, which will be filled up by a fair percentage of those who are

[Thakur Muneshwar Bakhsh Singh.]

unemployed. The new entrants will get only two-thirds of the pay of the post at which they are appointed in many of the departments, and so in that case there will be much saving because they will get only two-thirds of the pay. Then, Sir, if we can balance our budget in other ways, irrespective of this saving, the saving can best be utilized in the nation-building departments, which are starving for the lack of funds. Sir, for these reasons and with this object in view, I support this motion.

Rao Narsingh Rao : Sir, I am very sorry I have to oppose this resolution. The arguments so far advanced by the two speakers before me, the honourable mover and the other honourable member. I am really not convinced, as I could not quite follow their arguments at all in what way this resolution helps in the direction in which they say it helps. The honourable the seconder has made out two points that if this resolution is adopted there will be a lot of saving for two reasons, one reason being that if the second part of the resolution is accepted lots of people will retire and the others will get in their places, and I do not understand where is the point in that economy. You will be giving a lot of pension to those who will be retiring, and above that the salary to those who will be replaced by them. The second point that was made out was that for sometime past the doors have been closed for services, and there are a lot of people who are now waiting and if the present age-limit is fixed at 28 then these people will get in but the question is that the boys who have since passed what will be their fate, where will they go. I do not think they should be debarred in spite of the fact that they have got the age qualification, simply because those who have not got this qualification have been given the chance. These poor men will lose their chances.

Secondly, Sir, the question of age-limit is absurd. If you allow a man to be taken up to the age of 35—or as my friend says in the resolution, up to 28—and allow him to serve for 25 years he has to retire at the age of 53. For putting in less service a man of less ability and less efficiency is to be taken. I say “less efficiency” because a boy who is not able to pass his B.A. examination in time and has gone up to the age of 28 to pass that examination is certainly not the kind of stuff that you generally require for the service, he is certainly not better than one who has passed the examination at a younger age. At present, probably they put in 30 or 33 years’ service. Now if you allow the public money to be wasted for service for a less period, that is no economy; on the other hand, it is waste of money. It would have been much better if the honourable member had mentioned in the resolution that this concession should be given by Government for a certain period to fit in certain individuals who at present are having this over-age difficulty. If that was all that was wanted, the House may have considered that, but to make it a general rule that the age-limit should be 28 and the period of service to be put in must be 25 years, is on the face of it absurd, and I hope the House

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will not accept the resolution. With these remarks, Sir, I oppose the resolution.

Thakur Giriraj Singh : Sir, the resolution that has been moved consists of two parts, as has been pointed out by the previous speakers. As regards the first part, namely the age-limit of 28, I beg to submit something before the House. As far as I know, when there were not so many graduates as we find today, there was no question of age-limit at all, but at present, when lots of graduates are available, Government thought it proper to fix the age-limit. And the age-limit of 25 was fixed simply because of two facts. One was that a lot of graduates can be found who are of the age of 25 years ; and the second was this, that if a boy has got abilities he would pass his B.A. examination at the age of 22, and even if he fails once or twice he can pass that examination before the age of 25. I can cite many cases before the House where the boys passed even the LL.B. examination before 25. But I do not think it proper to name them at present. I know that when I was at school there was a rule that one, who had not attained the age of 16, could not appear at the Entrance examination. There is no such age-limit now. There are some boys who are so brilliant that they pass the High School examination before attaining the age of 16. But, Sir, if the Government extend the age-limit to 28, the result would be that the number of candidates would so greatly increase that it would be impossible for any officer to make a selection. If, however, the Government think otherwise, I have, of course, no objection to raising the age-limit to 28.

But, Sir, my main objection is to the second part of the resolution, where it is stated that the maximum period of service entitling one to pension be fixed at 25 years. So far as I know, a man has the option to retire at any time after putting in the qualifying service. He need not retire after 30 years' service. It seems to me that the point of the honourable mover is that he must be retired compulsorily after 25 years' service. Now, why is a man retired from service ? Because he cannot do his work properly. The age of 55 years in the case of a government servant has been fixed after taking several facts into account. There is the opinion of medical officers which cannot be ignored in this connexion. In their judgment a man must retire at the age of 55, because after that he cannot do his work efficiently. In the case of local bodies, however, the age-limit has been fixed at 60, that is to say a man serving in any of the local bodies cannot be made to retire before 60. In local bodies one can get an extension also. Such is not the case with Government service. In Government service extensions are allowed in very exceptional cases. Moreover, if the maximum period of service for retirement were fixed at 25, it would be a great injustice to those who are to enter in Government employment, because when they joined school or college they did so on the clear understanding that the retiring age was 55 and their ages were so written in the registers of school or college. These Sir, are the observations that I had to make on the resolution under discussion.

The Hon'ble the Finance Member : I sympathize entirely with the honourable member's desire to reduce unemployment. But I am afraid I have got to traverse every statement that he has made. Instead of reducing unemployment this proposal of his would only make it worse. Most of your important posts are filled by examination. Well, an examination is all very well at the age of 22, 23, 24, and, perhaps, up to 25. But, as I know by experience, passing examinations is an art, and by 28 you will have forgotten the art. What will be the result? The candidate for four years will be doing nothing at all. At 28 he will have to pass the examination, and he will fail and be beaten by younger men who have not forgotten the art. That is one point.

Another point is this. We cannot take more officers than we are taking at present, no matter what their age is. The time when this proposal *might* reduce unemployment is 25 years hence. If so, I shall not be here to see. In fact I might be approaching my second incarnation. I do not suppose anybody else in the House cares very much what is going to happen 25 years hence. And in any case by then the present state of educated unemployment will, I hope, have disappeared. The honourable mover mentioned also the fact that in the Educational Department we do take people up to 30 years of age. We do so in one or two other services as well—Engineer Service, Boiler Inspectors and generally all services in which previous experience and training are necessary—but that does not apply to most of the services, the Police, for instance, or the Civil Service. In these services we prefer to catch them young and teach them ourselves. The men who come in old are those that must have training *before* they come in, but most men we train ourselves, and so take them young.

There have been many statements about the financial effect of this proposal. The honourable mover gave us an example of a man who came in on Rs.300 and rose to Rs.1,000 presumably in 25 years. At present there are men of that kind, but they rise to the maximum in 30 years. Does not he realize that if we preserve the same scale we shall have to increase all the increments by one-sixth so as to get the maximum in 25 years instead of 30 years? The result will be that all through the 25 years we shall be paying at a higher rate, and at the end of 25 years we shall have paid precisely the same total sum as we now pay in 30 years. Obviously there will not be a decrease of expenditure on that account; there will be an increase.

Then take the question of pensions. At present a man retires at 55. The honourable mover's suggestion means that he will retire when he is not more than 53. A man's expectation of life at 53 is two years longer than his expectation at 55, and consequently every Rs.500 pension would cost us on an average Rs.12,000 extra. He also told us that some graduates will, doubtless, obtain posts at 22. If such a graduate succeeds in getting service at that age, and retires after 25 years' service, he will be only 47 at retirement, and just at the age when he is at his best. So that we shall lose his services when they are most valuable. Further, we shall be paying his Rs.500 pension for an extra eight years, making an extra Rs.48,000 in that case. There

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is no financial gain in this proposal, but there will be a big financial loss. There will be no reduction of unemployment : there will be an increase in it, except 25 years hence.

The honourable member who spoke second—no doubt it escaped his notice—went considerably further than the honourable mover. The mover wants his proposal to apply only to future entrants to the services ; but he apparently would extend it to present incumbents. Well, that is altering the scope of the resolution very considerably, and I should have thought that in that case he ought to move an amendment.

I think the House will see that in this there is absolutely nothing. It will not effect the object which the honourable member desires. In fact it will make unemployment worse. After all, supposing a man is waiting for a job in a public service till he is 28 and then fails to get it, what is going to happen to him ? Nobody else is going to take him at 28. He has absolutely no chance of getting another job whatsoever. At 25 he has, because he is still young enough for those other people to train ; at 28 he is much too old.

Rai Bahadur Babu Jagadeva Roy : After listening to the speeches which have been made in connexion with this resolution I consider there is no justification for me to press the resolution, and I withdraw it.

The motion was, by leave, withdrawn.

RESOLUTION *RE* POSTPONEMENT OF PERIODICAL
ENHANCEMENT OF LAND REVENUE

Rai Sahib Lala Anand Sarup : I beg to move—

“That this Council recommends to the Government that the periodical enhancements made in the districts under section 63N of the Land Revenue Act during the year 1338, 1339 and 1340 Fasli, or to be made in the future years, be postponed till normal times are restored and that the amount realized on this account in 1338 and 1339 Fasli be refunded and adjusted in the land revenue of 1340 Fasli.”

Sir, this resolution is quite simple and self-explanatory and does not require any strong reasons in support of it. On account of the economic depression and slump in prices the position of the agriculturists in this country has been reduced to a deplorable condition, hence the Government considered that the rents of the tenants and the land revenue of the zamindars should be reduced to such an extent that payments may easily be made. The Land Revenue Committee was appointed which, after considering all the points, recommended proper reductions both in the rents and in the land revenue. The Government accepted the recommendation as regards rents, but did not accept it as regards land revenue and remitted the latter unproportionately. This was greatly resented by the zamindars as they expected the same leniency from the Government as they had shown towards the tenantry. As the matter has thoroughly been discussed

in the last session I do not wish to take the time of this House on this question. However, Sir, these periodical enhancements were made in the settlement under section 63N of the Land Revenue Act, so that the effect of these enhancements in the land revenue might not be felt heavily by the zamindars. These five years' enhancements were made in 1920-21, when the rents were increasing year by year and when the collections were realized cent. per cent. under the impression that the zamindars would be able to increase their rents during those five years. The passing of the Agra Tenancy Act in 1926 by which all the non-occupancy tenants were made hereditary and the rents were to be increased every 20 years instead of every 7 years, upset all these calculations. Consequently rents remained the same as they were in the settlement. In the Saharanpur District Rs.3,79,615 were increased in the settlement from 1328 and Rs.86,417 were increased from 1333, and Rs.62,865 were increased from 1338 *kharrif*. In the Muzaffarnagar District, in the settlement, Rs.3,57,084 were enhanced from 1329 and Rs.65,648 were enhanced from 1334 and Rs.46,376 from 1339. That is after the settlement in Saharanpur Rs.1,49,315 were enhanced and in Muzaffarnagar Rs.1,12,025. Sir, I do not wish to say anything about increments made in the land revenue before the slump in prices began, but what I wish and what I request the Government and the House to consider is that the increments made during the period of economic depression, i.e. 1338, 1339, and 1340, or to be made in future years, be stopped altogether as the new settlements have already been stopped in the Province and heavy remissions in land revenue and rents have been made, until such time that abnormal conditions are over and the amount realized in these years be worked out and adjusted in the land revenue of 1340 Fasli. Here I wish to quote a few figures of the rent collections in my division, namely Meerut. The collections in 1330 Fasli were about 2 crores, while they have gone down by yearly reductions to Rs.1,28,00,000 in 1338 Fasli, though I am glad to say they have gone up to Rs.1,40,00,000 last year. I am glad to find that in the Lucknow Division the Government has been pleased to postpone these periodical enhancements for 10 years, i.e. up to 1943, which will fall due from *rabi* 1340, as I find from the answer to my question yesterday. Sir, I again impress upon the Government and the House that the resources of the zamindars are exhausted and they are between the devil and the deep sea. On one side they find it difficult to realize even their reduced rents from the tenants, while, on the other hand, the district authorities are pressing them hard to pay up the land revenue which is rather higher than is legitimate according to the prevailing laws of the land, and over and above this the amount of periodical enhancement has been added. Sir, this burden is so heavy that the zamindars find it difficult to bear it any longer. Hence I appeal to the Government and to this House to consider sympathetically this legitimate demand of the zamindars.

The Hon'ble the Finance Member : Sir, there are two parts in this resolution. In the first place the honourable member desires that these progressive enhancements should not be put on in future—I suppose whilst the present economic depression lasts; and, secondly,

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he wants us to refund whatever has been taken in the years 1338, 1339, and 1340 Fasli.

Well, Sir, on the merits I should like to point out to the House that when a settlement is made, the landlord is entitled to enhance his rents to the full rates at once. But the revenue which is based on those rates is, in certain circumstances, spread out over a period of 15 years. Consequently he gets his full rent for the whole period, but only pays his full revenue after 15 years. I have here the figures of a particular district, which I will not mention, but it is one of those to which we are referring. The rental on which the settlement was actually made was about 36 lakhs, including *suwai*. It went up to as high in one year as 56 lakhs : then it came down to 51 lakhs, and now after remission stands at 38. The honourable member will realize that the landlords in that particular district have been drawing very much enhanced rents and paying very much reduced revenue for 15 years. However, I only mention that to show that it is not Government alone who benefits by this system of progressive enhancements. The landlord has had his fair share of benefit too. The point that really appeals to me is that it is illogical to postpone entirely new settlements because of a particular cause, and at the same time to put on progressive enhancements in spite of that cause. I am prepared to say this much that in the current year progressive enhancements that are due will not be taken. I am not going to commit myself to more than a year at a time, because it is impossible to do so : future action depends on what happens to the economic situation. As regards the past, well I am afraid I cannot agree to re-pay any sums that have already been paid ; and, as a matter of fact, there would not be any great advantage to the landlord if I did, because the remission which he has received has been based on the total revenue including that enhancement, and obviously if we re-pay to him the enhancement, he will have to re-pay to us a part of the remission, because it will then be based on a smaller figure. I think we shall have to cry quits over the past. However, I do undertake that no further progressive enhancements in this year will be imposed, and, if necessary, of course, the matter will be re-considered next year.

Rai Sahib Lala Anand Sarup : I thank the Hon'ble the Finance Member for acceding to my request that he would not have the periodical increments from this year, and hence I withdraw my motion.

The motion was, by leave, withdrawn.

RESOLUTION *re* SUSPENSION OF PROCEEDINGS OF ALL
MORTGAGE SUITS RELATING TO AGRICULTURAL
PROPERTIES

Mr. Muhammad Rahmat Khan :

مسٹر محمد رحمت خان صاحب —

جناب صدر — میں اس رزلوشن کو پیش کرتا ہوں جس کے الفاظ یہ ہیں :—

“That this Council recommends to the Government to stay the proceedings of all mortgage suits relating to all agricultural properties instituted since January, 1932, and

[Mr. Muhammad Rahmat Khan.]

the execution proceedings as regards the sale of properties of that description until the recommendations of the United Provinces Debts Inquiry Committee are incorporated into law."

میں آپ کو ایک ایسے اہم مسئلہ کی طرف متوجہ کر رہا ہوں جو دیکھنے میں قرضہ کا - سود کا - اور اُن کے التوا کا معاملہ ہی لیکن حقیقت میں وہ اس دور کے ہر معاملہ سے زیادہ اہم ہے - گو مجھے شبہ ہے کہ بعض صاحبان کو شاید ناگوار ہو مگر میں جرات کے ساتھ یہ کہنے کو تیار ہوں کہ یہ چھوٹا سا رزولوشن اُن تمام مسائل سے زیادہ وزنی ہے جن پر تین سال گول میز کانفرنس میں بحثیں ہو چکی ہیں *

Mr. Brijnandan Lal : The other day, Sir, we discussed the same thing in another resolution.

The Hon'ble the President : I am not aware of that. Is the Leader of the House in a position to throw light on this ?

The Hon'ble the Finance Member : Well, Sir, I think it does traverse the same ground, though, perhaps, not precisely the same ground. But my reply would be practically the same as to the other resolution.

The Hon'ble the President : The House has discussed a motion of almost the same kind and the reply of the Leader of the House, I am told, will be the same. In that case need the resolution be further proceeded with ?

The Hon'ble the Finance Member : There is one little point about proceedings in mortgage suits which is the only new point.

The Hon'ble the President : In that case the honourable member might go on.

Mr. Muhammad Rahmat Khan : مسٹر محمد رحمت خاں صاحب :

میں یقین کے ساتھ کہہ سکتا ہوں کہ اگر زمینداروں اور کاشتکاروں کو اپنے قرضوں سے اور سود سے نجات مل جائے تو آج ہندوستان میں وہ امن اور اطمینان پیدا ہو سکتا ہے جو نہ نئے ریفرمس سے ہوگا اور نہ حکومت کے موجودہ انتظامی قوانین سے ہوا - ساہوکاری قرضوں نے زراعت پیشہ طبقہ کی مالی قوت ہلاکت کو بالکل توڑ دیا ہے اس طبقہ کی بے قیاس دولت سود و سود کے چکر میں آکر پہلے ہی چھوٹی چکی تھی اب گزشتہ دو سال کی عالمگیر تباہی نے بالکل ہی مٹا دیا ہے *

ہمارے صوبہ کی حکومت نے بڑی مہربانی سے دسمبر سنہ ۱۹۳۱ء میں قرضجات اور سود کی تحقیقات کے لینے (Inquiry Committee) کا تقرر کیا جس نے عرصہ ہوا اعتدال سے بھی زیادہ نرم تجاوز رپورٹ کی صورت میں پیش کر دیا لیکن اس وقت تک اُن کے کونسل میں پیش ہونے کی نوبت بھی نہیں آئی اس ناوابج تاخیر سے دو قسم کا نقصان پہنچ رہا ہے - اول تو یہ کہ زراعت پیشہ طبقہ کو گورنمنٹ کی بہت بڑی غلطی سے پیدا ہو رہے ہیں انہیں خوف

ہی کہ کہیں اس ضروری معاملہ کو غیر ضروری خیال کر کے بھول میں نہ ڈال دیا جائے۔ اور دوسرے یہ کہ جس وقت سے ساہوکاروں کو یہ معلوم ہوا ہی کہ قانون انتقال آراضی یا تحفظ جائیداد زیر غور ہی اور قرضوں کے معاملہ میں مراعات مد نظر ہیں اور انہوں نے اپنے قرضداروں پر کثرت سے نالشات دائر کر دی ہیں اور ڈگریاں حاصل کر لیں اور جائیدادوں کو بیلام کرانے میں بہت عجلت کر رہے ہیں جس کی وجہ سے مقروض طبقہ میں جو عموماً زراعت پیشہ ہی سخت گھبراہٹ پھیل رہی ہے۔ اس طرح پر یہہ Debts Inquiry Committee غریب قرضداروں کے لیے ایک نئی مصیبت بن گئی ہے۔ مجھے ایشہ ہی کہ اگر فوراً ادائیگی نرضجات کا التوا (moratorium) نہ کیا گیا تو جب تک کمیٹی کی تجاویز قانون کی صورت اختیار کریں گی اس قانون کی ضرورت ہی ختم ہو جائے گی کیونکہ تمام زیر بار جائیدادیں عنقریب بیلام ہو چکیں گے۔ البتہ پھر یہہ قانون جو بنے گا یہہ ان ساہوکاروں کی جائیدادوں کی حفاظت کے لیے زیادہ موثر ہوگا جو اب خریدی جا رہی ہیں یا خریدی جائیں گی۔ لہذا میں نہایت اصرار اور زور کے ساتھ یہہ مطالبہ کرتا ہوں کہ ملک کے اس طبقہ کی حفاظت کے لیے جس کی غذا کوششوں پر ہندوستان کی مالی خوشحالی منحصر ہے اور ہندوستان کی مالی فلاح کے لیے فوراً ان تمام مقدمات کی کارروائی روک دی جائے جو جنوری سنہ ۱۹۳۲ع سے دائر ہوئے ہیں اور ان تمام ڈگریاں کا نفاذ بھی روک دیا جائے جس کا تعلق سنہ ۱۹۳۳ع یا اس کے بعد کی دائر شدہ نالشات سے ہے۔ اور آئندہ قوتیکہ Debts Inquiry Committee کی رپورٹ کے متعلق کوئی تصفیہ نہ ہو جائے کسی قرضخواہ کو مقدمہ دائر کرنے کی اجازت نہ دی جائے تاہ اس قانون کے آنے تک جس کی امید ہے زیر بار جائیدادیں محفوظ رہیں۔ یہہ کوئی نئی بات نہ ہوگی کیونکہ ایکٹ نمبر ۳ سنہ ۱۹۲۶ع جب زیر غور تھا اس وقت بھی گورنمنٹ عالیہ نے بابت پرنسپل یہہ ہی طرز عمل اختیار کیا تھا۔ اگر مقدمات کا دائرہ اور ڈگریوں کا نفاذ نہ روکا گیا اور اس دوران میں ساہوکاروں نے موجودہ شرح سود سے قرضے وصول کیئے تو یہہ مقروضین کے ساتھ بدترین نا انصافی ہوگی *

اس سلسلہ میں اس قدر عرض کرنے کے بعد قرضجات اور سود کے عام مسئلہ کے متعلق میں اپنی رائے ظاہر کر دینا ضروری سمجھتا ہوں۔ جناب صدر - زراعت پیشہ طبقہ کی طرف سے جو مطالبات پیش کیئے گئے ہیں وہ معتدل نہیں بلکہ پست ہیں مگر چونکہ ہندوستان کا زراعت پیشہ طبقہ رضا اور تسلیم کے مرتبہ میں قیس اور فساد سے بھی آگے ہے اس لیے اس لیے اس نے حکومت کی طرف سے مراعات سے اس ملان کو بھی شکر گذار کی نظر سے دیکھا۔ ورنہ ہندوستانی زراعت پیشہ طبقہ کی طرف سے وہ مطالبہ پیش ہونا چاہیئے تھا جو مسٹر چیمبرلین نے امریکہ کے مقابلہ میں پیش کرنے کی تمنا کی تھی وہ یہہ تھی کہ تمام قرضے یکملم منسوخ کر دیئے جائیں، یہہ کوئی نئی بات نہیں انتہائی مطالبہ

[Mr. Muhammad Rahmat Khan.]

نہیں مظلوق کو ظالمانہ سود اور قرضوں کے تباہ کن بار سے بچانے کے لیئے دنیا میں پہلے ہی ہو چکا ہی اور جب ملک کی نفع اس پر منحصر ہو جائے تو ہر وقت یہ عین انصاف ہی میں دوبارہ یہ عرض کہ قرضوں کے میسرے اس ریزولیشن کو منظور کر کے اپنے غریب ہموطن بھائیوں کو تباہی سے بچائیے یہ ہے پروپنڈے کے اثر سے بچائیے اور ایجوکیشن کے علوفان کے مقابلے میں اس طرح ایک بند باندھ دیجیئے اور اس کے بعد جلد سے جلد (Debts Inquiry Committee) کی تجاویز کو قانونی صورت دیکر صوبہ کے مالی نظام نوٹئی بنیادوں پر قائم کیجیئے تاکہ زراعت پیشہ طبقہ امن و سکون کے ساتھ نئی اصلاحات کو کامیاب بنانے میں مصروف ہو *

The Hon'ble the Finance Member : I have very little to say in reply to this resolution. It has two parts. The honourable mover wishes Government to stay proceedings in all mortgage suits relating to agricultural properties instituted since January, 1932. To that, I am afraid, I cannot give my assent, for the very simple reason that the proceedings of all mortgage suits are taken in civil courts and Government have no power to stay them. That is a matter entirely for the court itself. Further, I do not see that it really makes very much difference if the proceedings go on. What really the honourable member wishes to stop is the execution which may or may not follow on the decree which ends those proceedings; and as regards that, as I have already stated a few days ago, we have issued orders, which will be found in the Gazette of last Saturday, which have the effect of stopping sales of agricultural properties for the next two years, so far as we are able to do it.

The resolution was, by leave, withdrawn.

RESOLUTION *RE* ESTABLISHMENT OF SUBSIDIZED INDUSTRIES AND INTRODUCTION OF INDUSTRIAL SUBJECTS IN EDUCATIONAL INSTITUTIONS

Mr. Zahur Ahmad : I beg to move, Sir,—

“That this Council recommends to the Government that in view of the increased and increasing unemployment amongst the educated classes of these provinces immediate and practical measures be adopted to start subsidized industries in every district after a careful examination of the brochure of the industrial survey of each district prepared by the Department of Industries during the period of the first reformed Council (1921-1923) and to introduce in all educational institutions the alternative additional subject of individual industries according to the requirements of each locality.”

Sir, this resolution consists of three parts. The first part is that unemployment among the educated classes has enormously increased and is daily increasing, and practical and immediate steps should be adopted to remedy it. This first part is practically the same resolution which was moved by my learned friend, the honourable member for Farrukhabad. The second and third parts of my resolution consist of practical and constructive measures which are to be adopted to remedy this evil. In the course of the debate

which took place on the resolution of my honourable friend Mr. Brijnandan Lal, the Hon'ble the Minister for Education was pleased to make certain remarks and it is on the basis of those remarks that I have come forward to move this resolution. The Hon'ble the Minister then said, "We all know that unemployment exists in a very large measure, and we all know also that it can only be cured by the creation of new openings which would employ these people who are out of a job. This work has got to be taken up in a systematic way, in a methodical way, because it entails the creation of new industries." Further on he remarked, "If my friend the mover of the resolution will indicate the exact lines on which the committee has got to work the specific problems that it must tackle, I may change my opinion." Sir, I have tried, in view of these remarks of the Hon'ble the Minister which he was pleased to make, to give him certain practical and constructive suggestions on the lines on which he should try to work this scheme in order to remedy unemployment among the educated class of this province. The history of this question is this. In 1928 my honourable friend the Deputy President, Nawabzada Muhammad Liaquat Ali Khan, as far as I remember, for the first time moved a resolution to the effect that a committee should be appointed to investigate the question of unemployment and, as far as possible, give relief to the unemployed. A committee was appointed. I can say that it was a sort of departmental committee under the chairmanship of the then Minister, Rai Rajeshwar Bali. (Rai Rajeshwar Bali Sahib speaking on the 4th November, 1932, said that only one meeting of that committee was held in his time and about six days after that meeting he became himself an unemployed, i.e. he resigned his office of Minister.) That committee suggested that a council of unemployment should be established to find out ways and means of getting employment for the unemployed. I do not know, Sir, whether that committee is still existing or not. Then my learned friend Mr. Brijnandan Lal in the last budget session discussed the question and the Hon'ble the Finance Member was pleased to say that he will bear the points raised by him in mind. After this on the 4th November, 1932, Mr. Brijnandan Lal moved a resolution in the Council to the effect "that this Council recommends to the Government to appoint a committee to inquire into the question of unemployment in these provinces and suggest remedies." That resolution was unanimously passed. I have already referred to the remarks which the Hon'ble the Minister was pleased to make in connexion with that resolution. Since then we do not know what has been done and what efforts have been made by the Government to remedy unemployment. From the remarks of the Hon'ble the Minister which I have quoted it is evident that the Hon'ble the Minister and the Government realize the magnitude of the menace of unemployment and the alarming anxiety which the public of these provinces feel on the increasing unemployment among the educated classes, but they find themselves unable to cope with the situation. According to the Hon'ble the Minister's remarks referred to above, there is no practical and feasible scheme, and while replying he might say there are no

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funds. He further on in his speech on that very date made certain remarks which are very pertinent to the question before this Honourable House. He said :

“The Director of Agriculture is busy drawing up a new scheme which might enable educated young men to go to land. We have already got demonstration plots at the Agricultural College at Cawnpore and the matter is being examined in all its different aspects.”

This remark, I think, which the Hon'ble the Minister was pleased to make led the Government to issue a communiqué, dated the 4th January, 1933. That communiqué says :

“Government have had under contemplation for some time a proposal to settle some of the unemployed educated young men on land in order to meet the problem of unemployment affecting that class of people as far as possible. With a view to ascertain the feasibility of such a proposal, they have now appointed a committee with the Hon'ble the Minister for Agriculture as President, consisting of the following members (I need not give here their names) to make a preliminary investigation and to put up suitable practical schemes which may be tried experimentally.”

“There are several difficulties”, the communiqué goes on to say, “about both these alternatives” (both the alternatives are given in the communiqué) “and these will have to be carefully examined by the committee. Any gentlemen who are interested in the subject and have any practical suggestions to offer as regards the availability of land and the methods of settling educated young men thereon are requested kindly to send them to the Under Secretary to Government in the Agriculture Department, Lucknow, by the 15th of January, 1933.”

Now, Sir, after that the Government in another communiqué issued on the 16th January have said :

“In response to the communiqué, dated the 4th January, 1933, in connexion with the appointment of a committee to investigate the feasibility of employing educated young men on land, requests have been received for an extension of time and for copies of the questionnaire. No regular questionnaire has been framed, but a list is given below (I need not take up the time of the House by repeating it here) of the chief points that appear to arise for consideration. Persons interested in the subject are requested to send their replies by the end of this month.”

This closes the chapter, so far as the Government are concerned, of the adoption by them of measures to remedy the unemployment. I may with due deference to the Hon'ble the Minister say that agriculture in this country is being run at a very great discount. The agriculturist can hardly find means to make both ends meet. He can hardly feed himself and his family ; he can hardly afford to take full meals

every day. In these circumstances to throw educated young men on land will be one of the greatest disasters. When an agriculturist himself finds his life so deplorable that he cannot earn sufficient for his own livelihood—he is ill-fed, he is ill-clad, he is ill-housed—the lot of these educated young men will be as deplorable as that of the agriculturist himself. The question is where will the land come from? What will be the size of holdings that they will get? Another question is whether these educated young men coming out fresh from colleges and schools and having no knowledge or experience of agriculture will be able to eke out their living therefrom. The land is already overburdened and they will be put to the greatest possible difficulties. I therefore do not think that the question of unemployment will be solved in this way. Ten years ago the average area of a tenant's holding was ten acres; at present holdings have become very small and the average area of a holding is not more than $2\frac{1}{2}$ acres. The population is increasing and a tenant having four or five sons has to divide his holding of ten acres among his four sons. If educated men also go there, I really do not quite understand how they will be able to find a holding to cultivate. Under these circumstances to say that only one branch of industry, i.e. agriculture, should be utilized in order to cure unemployment in these provinces is not a sound proposition and it will not prove a safe remedy to solve the problem of unemployment. I have, therefore, suggested another remedy in my resolution. In 1921–23 when Messrs. Chintamani and Jagat Narain were Ministers—I think it was under Mr. Chintamani's orders a full survey of different sorts of industries in this province was made and voluminous books were prepared on which large sums of money were spent. These books give in detail all about the different industries in the districts and the time has come when these books should be taken out from the limbo of oblivion. A careful examination of these reports and books should be made and industries should be subsidized according to their suitability to particular localities. Only such industries should be selected as will prove helpful to the young educated men and as are likely to engage their attention. I think, Sir, it is one of the greatest duties of Government to look into this question. Government spends large sums of money to root out the evil of terrorism and lawlessness, but it does not attempt to cure the disease which is mainly responsible for creating terrorism and lawlessness in this province as well as in other parts of the country. Young men conversant with democratic ideas, and seeing the happenings of the world and realizing how the world is moving, are getting impatient to get at least so much as to get themselves fed and clad. If even this much is not done for them, I think the situation will get out of control. It is high time that Government, instead of spending large sums of money in other directions, should devote a large amount of money in the direction of curing the disease of unemployment. Educated young men having no employment, having no engagement, naturally join the army of discontented men, and when they join that army Government has to spend a large amount of money to

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control them. I submit, therefore, that before it is too late Government should try to cure the disease and that it should take this matter in hand as promptly as possible. After carefully considering the reports which were prepared in 1921-1923 they should chalk out a scheme of starting small subsidized industries and encouraging them in different villages. They should not give big grants to big capitalists who run their shows with big machineries and demand from the Government on occasions sums of Rs.50,000, Rs.20,000, Rs.15,000, and Rs.5,000, with the object of getting more machinery. Starting of subsidized industries is the only method to cope with the situation and to cure the disease.

My other suggestion is that in municipal, government, and aided schools, where there are so many alternative subjects, the students should be given an option to take as an alternative subject some technical subject. If such a training is given to young men from the very start, they will be able to develop the industry and earn their living through that art. With these remarks, Sir, I move the resolution and hope that the House will accept it and the Hon'ble the Minister will be pleased to take prompt steps to cure the disease.

The Hon'ble the Minister for Education : Sir, I wish to assure the honourable mover of this resolution that the Government are in entire sympathy with the object he has in view. But, Sir, when I have said that I must part company with him in regard to the measures he would like us to adopt to achieve that object. The remedy he has suggested is, to my mind, not workable. I am very sorry to have to say this, but I must say it, because I feel that I must tell him and the Council of the real position. Sir, we have not been oblivious of our duty over this matter; we realize that we have to do something in order to provide employment to educated young men. As far back as August, 1931, six months after I had assumed charge of my present office, I decided to appoint a committee to go into the question of developing small cottage industries in those districts where there is cheap electricity available, I mean the hydro-electric area, popularly known as the "grid area". This committee has been working at this problem for some time. It has, I believe, not yet quite finished its labours. It has submitted to us one or two reports. Then, Sir, the honourable mover has referred to the committee which has been sitting in order to investigate the possibility of settling young men on land, the underlying idea being to find employment for educated young men. The third thing that we can have done is to look into the working of the Industries Department as a whole. There is an official committee going into the matter—I myself am the Chairman of it—and, of course, the most important duty of that committee is to find effective ways and means for developing industries in the province. I have somehow or other felt that the Department of Industries, which has been in existence for the last 21 years or perhaps more, has not achieved the object for which it was established. If it had, then there would have been no need for this resolution today. The work before that committee is of a very detailed character, and it will take

some time before we are able to produce a report. The idea is to place that report before a committee—on which this Council would be represented—for them to criticize. We thought that, instead of appointing a committee of members of Council and other non-officials straight-away, we should first of all work out some sort of definite proposals ourselves. As I have said, I myself am presiding over these two committees and I am giving to the matter raised by the mover whatever thought and care I am capable of. It can, therefore, be hardly argued that I have not realized the menace of the bogey to which the honourable mover of the resolution has referred.

Sir, I am sorry to say that I do not agree with the honourable mover in his remarks as regards the impossibility of settling young men on land with success. I have always felt that there is no industry anywhere in the world which is so badly run as agriculture in India. It is, no doubt, true that the cultivators themselves are in a bad way. But what is the reason? The produce from land is very meagre. No industry could today exist for one minute if its outturn were so low as that of agriculture in India. To give an example, cotton mills, when they were first started in India, did not produce more than four ounces of yarn per spindle; but today they are getting as much as ten ounces of yarn per spindle. I do not think any improvement in the output of land has taken place in India. Of course, the reasons are various. The honourable mover himself has referred to the difficulty of small holdings. We cannot overcome that, as that is a matter beyond us, at least in the departments with which I am concerned. But, Sir, there is no reason why we should not improve the variety and quality of particular crops, why we should not by means of irrigation increase the output, and why we should not generally improve the entire aspect of agriculture. The idea underlying the appointment of the committee was that if land could be made available in various parts of the province young men by employing improved methods would be able to get a much bigger outturn. They would also then be able to start small subsidiary industries. After all what are the small industries that we could subsidize to start? The most important industries, I am sure, in the province are sugarcane crushing and oil milling. These are dependent on agriculture. If a man has a small farm, where he produces sugarcane, it would be quite easy for him to crush that cane and sell the sugar. But unless he has a farm, it would not be possible for him to buy cane in the open market in competition with large sugar factories. Similarly, take the case of oil milling. There is so much competition already in that trade that a small man starting with one or two *kathas* can have no chance of success. The honourable mover said that the Government should subsidize industries. Assuming that Government had the money, its giving away could be quite easily done. Distribution of money is a simple job. But, Sir, will that assure the success of the scheme? I want the House to consider this point very carefully. Suppose a man comes to me from, say, Meerut District and says "I am

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going to start a small sugar mill : will you give me so much money ? I am going to find my share of the investment." I am quite sure he will go away with that money and make a mess of the whole thing. You will not only not do any good by way of establishing industries, but you would also be wasting the tax-payer's money. It is not possible for Government to issue an order that such and such industry shall be a success. We could give the funds no doubt, but then we could not guarantee that the recipient of a subsidy from us would make a success of his job. He will be obliged to compete with the larger factories. Taking again by way of illustration the cases of the sugar factory and the oil mill, for which there is the largest quantity of raw material in the province, everybody who starts these two industries in a small way has to reckon with competition from the larger mills.

My friend the honourable mover has referred to the survey reports which were issued by the Department of Industries some time ago. There is, no doubt, a large amount of information in them. But that information does not carry us very far. These publications are in the nature of a directory. We know that there are so many sugarmaking concerns in a certain place ; but does that give us any help at all in the matter of starting new industries there or making improvements in existing ones ? As I have said, we are now busy studying the problem. It is not a simple one. I think it is very difficult and if we can succeed in solving it, we shall have done a great thing. Mere disbursements of Government funds will not help us to achieve the object we have in view. I would request the honourable mover of the resolution not to press his motion after the assurance that I have given him. As I have stated, we are tackling the problem in the best way possible. Give us a little time and see what we are able to do.

Nawabzada Muhammad Liaquat Ali Khan : What about the last part of the resolution ?

The Hon'ble the Minister for Education : I am sorry I forgot about it. I believe my friend wants that there should be special provision made in all schools for the teaching of industrial subjects. Sir, I am sorry I have not got all the material here with me, but we are doing a good deal in this direction already. We have introduced manual training classes in a good many schools and we are trying to give to our education as great an industrial bias as is possible. We must not forget that the object of these schools is not to give a specialized kind of instruction. We must of necessity teach boys all the general subjects along with which we may, of course, give some manual training and teach industrial subjects. We are already doing this and I hope the honourable mover will, when he realizes what I have told him, be satisfied with what we are doing.

Pandit Shri Sadayatan Pande : Sir, I have been very patiently hearing the reasons of the honourable mover and the reply which the Hon'ble the Minister for Education and Industries has given in his usual

sympathetic and considerate manner. The resolution, as it stands, is divided into three parts. It is not necessary for me to analyze it. It is a well-recognized fact that at the present time the question of unemployment has grown very acute and is growing acuter still day by day. The mover asked the Government to look into the matter rather seriously and sincerely. Secondly, he asked them to make a careful industrial survey of each district and in the third place he wanted them to introduce in all educational institutions the alternative additional subjects of individual industries which might suit the requirements of a particular area. Well, Sir, similar resolutions have been moved in this House from time to time and we are fully aware that they were carried unanimously, and that on each occasion the Government was pleased to say that that particular resolution had their sympathetic support and that they would consider it sympathetically and considerately. But in spite of this sympathy and consideration with real sincerity, which I mistake not is always attached to such assurances on the part of Government, nothing fruitful has yet come out. So far we have not found any signs of a serious effort in the expeditious despatch of a resolution of this nature. The Hon'ble the Minister who has just sat down gave sympathetic assurances, but at the same time he regretted that the remedy suggested by the mover was not workable and that he has not been oblivious of the duties of the Government and of his department. There is an official committee presided over by him which, I believe, is looking into the question very thoroughly and it must come out with workable suggestions, but God knows when those workable suggestions will be placed before us. The country must know what the Government is doing in this direction. Up to this time the country knows that in spite of the assurances of the Government nothing in a practical shape has been done in order to ameliorate the acute conditions among the educated young men. The *Leader* of the 7th January last gave a scheme of the United Provinces Government for amelioration of the condition of the educated young men and it is to provide them with certain plots of land, either big or small, but the Government themselves are in a chaotic confusion over the question. They do not know how to solve unemployment. They invited suggestions by the 15th of January. We have not been told what those suggestions are and which of those suggestions they consider practicable. I think it would have been better for the Hon'ble the Minister to say on this occasion how many suggestions have been received and which of them he or the committee which has got to examine such proposals, have considered to be really practicable and workable. I hope the Hon'ble the Minister in his second speech might make it clear. He said, Sir, that the tax-payer's money will be wasted if grants were distributed for starting small industries, but I say, Sir, that the Government officials can scrutinizingly watch the application of the grants which they make. So there is no scope for a waste. I can say with certainty that the tax-payer's money is being wasted in various ways and of this the Government is fully aware. If he is afraid that the tax-payer's money would be wasted, I think it would

[Pandit Shri Sadayatan Pande.]

not be wasted, because it will be the tax-payer's money and it will go for the amelioration of the conditions of the tax-payer.

The Hon'ble the Minister for Education : Will it ?

Pandit Shri Sadayatan Pande : Yes, it will. Well, Sir, I must say again that the assurance is stereotyped and we are not prepared to be contented with the withdrawal of such a motion.

Mr. Brijnandan Lal : Mr. President, when I moved my resolution on unemployment in November last, I was accused of creating heat. This time I have no such idea. In the first place because on account of the hot weather which is coming, there is natural heat in the atmosphere and, secondly, I am least prepared to create heat where the Hon'ble the Minister for Education is concerned. He has raised two objections. Number one is that subsidized industries are not a good thing. Number two that there is no money. I will deal with the first objection first. I am a layman and the Hon'ble the Minister is an industrial genius, but I think it is really too late in the day to question the policy of subsidized industries. All the countries in the world are trying to give State aid to their industries. As a matter of fact the markets in India are being flooded by the products of subsidized industries from other countries, for example, Japan.

On the last occasion the Hon'ble the Minister mentioned the setting up of so many sugar factories in these provinces and I am very grateful to the Government for giving help in the establishment of sugar factories. But they too have risen on account of the State aid in the form of duty that has been levied on foreign sugar.

The Hon'ble the Minister for Education : That is not subsidized.

Mr. Brijnandan Lal : That is subsidy in another form. It takes two forms ; whether you give money to the industry or you levy a tax on foreign things, the tax-payer suffers in both cases. The consumer suffers where there is a tax on foreign things, and in the other case the consumer pays in the form of a tax. It is really in economics two forms of the same thing. It is giving State aid in both cases. The Government has been doing it, as for example, the railways are being subsidized. That, of course, is a central subject, but they are being subsidized. The Hon'ble the Minister said that they are re-organizing the Industries Department. Now what is he re-organizing the Industries Department for ? Simply because there may be industrial development in these provinces. Now how is the industrial development going to take place ? Either by subsidizing industry or, according to the Hon'ble the Minister, by giving expert advice to the various proprietors of industrial concerns. I will take his own scheme of giving expert advice to the various industries in these provinces. How is it going to be done ? Suppose the department is re-organized, how is the department going to give that advice in various districts, unless there are some local institutions and local committees and a central institution to co-ordinate all these things ? As a matter of fact, a provincial council was suggested by a committee which was set up probably three or four years back,

but nothing was done. What is the proposal of my friend Mr. Zahur Ahmad ? He says that industries should be started in every district. How is it going to be done unless you have some sort of central organization and district organizations affiliated to it ? The Industries Department at the headquarters will not be able to do anything unless it has local institutions and local committees which will invite subscriptions and enlist the sympathy of the people, and get Government help. There is no harm in setting up a provincial Council as was suggested by Mr. Mackenzie's committee. But the committee had only one object in view. It suggested a Provincial Council simply for advising candidates in getting employment. But my suggestion last time was that it should have a much wider scope. I think I was really misunderstood. I said it should advise candidates in getting employment as well as help in creating industries all over the province, and as to the finances it should have liberty to raise money from the *raises*, zamindars, etc., and Government should also help. There should be a paid Secretary who will co-ordinate the activities of all the district committees and work in co-ordination with the Industries Department. There should be district committees, if not in every district wherever Government thinks it proper. These committees should raise subscription locally and should be affiliated to the Central Council. I do not say that every district will have facility for starting industry. There may be some districts in which it is impossible, but certainly there will be many districts in which industrial development is necessary and possible. The Hon'ble the Minister said that agriculture is in a bad way. There is no other country in the world where agriculture is carried on so badly." With due deference I say that this is not correct. Agriculturists in India are not so ignorant as they are made out to be. In some parts of these provinces I know agriculturists know their work better than any agriculturist in the world. But on account of the destruction of industries there is no alternative left. Everybody is falling back on land. Land has ceased to be as productive as it was. How long is land going to yield ? In other countries there is virgin land and many resources. I think under the circumstances in which he is placed the agriculturist in India is doing his best. There are very few industries left. They have to be created if you want people to earn their living. People cannot go on depending on agriculture. Agriculture will cease to be a paying proposition after some time if there is too much dependence on land. So that the statement that the agriculturist is suffering on account of his ignorance is not absolutely correct. There is firstly too much rent. I am a zamindar myself, and I must say that the amount of rent he has to pay is too much. Then there is poverty. It is really a serious situation which should be considered by the Government seriously : otherwise the state of things will become very bad indeed. I am very grateful that the Department is going to be reorganized, but that will mean nothing until and unless there is more industrial development and unless there are more factories and more industries. There are places where sugar is grown—there should be sugar factories there. There

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are places where potatoes are grown—there should be potato starch factories there. As a matter of fact Government set up so many committees, e.g. one of them was the Banking Inquiry Committee and I also gave evidence before it, but nothing has been done. The Hon'ble the Minister himself has set up a committee. Either you say the committees are not necessary or if they are necessary set them up and act according to their recommendations. You cannot set them up and say they are no good. The Hon'ble the Minister has appointed a committee consisting of my friend the Nawabzada and Mr. Seth. I have very great respect for both, but are two members of the Council enough? There should be some scientists also on it. The question of settling young men on land is a rather difficult question and there should be some agricultural experts on the committee and more men like my friend the Nawabzada and Seth Bisheshwar Dayal. It is said an expert committee has been set up and after it has made its proposals then members of the Council will be invited probably to endorse those recommendations. Well, this is hardly the proper procedure. From the very beginning non-official members should have been there—they would not have harmed the experts in any way; they would not have broken their heads.

The Hon'ble the President: Is the honourable member sure of that?

Mr. Brijnandan Lal: I am quite sure, Sir. From my short experience of the members of this Council I can say they are very harmless people especially under your control, Sir, there is the least danger of it. It has been said that technical education has already been introduced in the schools. That matter too should have been considered by a committee of the members of this House. It has been said that it would be waste of tax-payers' money if industries are subsidized. We have to make up our minds one way or the other. Either the question of subsidy is correct or it is not—it is a question of policy. It is true some money has been advanced and has never been returned. The risk has to be taken. After all Government undertakes so many things. All are not successful. My friend the Hon'ble the Minister said that sugar factories will go a great way. If some money is lost in that there is no harm. Once this question is settled then the finding of money should not be impossible. The taluqdars have founded universities and I am sure people will come forward to contribute if Government is prepared to bear its share of the burden. I am very grateful for what has been done. Much more should be done. With these few words I support the resolution moved by my friend Mr. Zahur Ahmad and I am really grateful to him for reminding the Government of my previous resolution.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I will confine my remarks to the subject matter of the resolution and will be as brief as possible. The speech of the Hon'ble the Minister can be characterized as satisfactory and yet not satisfactory. When he was dealing with the industrial aspect of the resolution, he being a great industrialist himself, was at his best. He was very frank in the confession of failure

of his Department. He said that the Department which came into existence about 20 years ago has failed to achieve the object for which it was established. For that confession I congratulate him. It shows that the Hon'ble the Minister in charge of the Department today is really earnest in finding a solution of this very difficult problem. It is not his words of sympathy that are satisfactory; it is his intention that is behind these words that I call satisfactory. Similar words of expression that he used in his speech have been used by his predecessors before. These are not going to satisfy this House. We want tangible action, and if the Hon'ble the Minister in charge of the Industries Department today is unable to find a solution of this very difficult problem, then I submit, Sir, that this Department should be wiped out altogether. As regards the question of subsidizing industries in the districts, whether it is a good policy or not, my friend Mr. Brijnandan Lal has dealt with it at great length. What I understood from the speech of the Hon'ble the Minister was that he was not against the principle of giving subsidy to industries, but he was against giving subsidy without making inquiries as to whether this help if given would be useful or not. From the shake of his head I understand that on principle he agrees that industries might be subsidized if it can be proved that the money given for that purpose will be utilized safely and will be for the benefit of the people as a whole. Now, Sir, when I come to the educational part of the resolution I find the speech of the Hon'ble the Minister very unsatisfactory. As a matter of fact he had not even thought about it. He had forgotten all about it whether there was such a part of the resolution which dealt with the education in these provinces. On my reminding him, like a resourceful minister that he is, he picked up a few words from here and there expressing sympathy and said that they were doing what they could. I really do not think he knows anything about it.

The Hon'ble the Minister for Education : He does.

Nawabzada Muhammad Liaquat Ali Khan : His reply was so vague that one could not arrive at any other conclusion than this that the Hon'ble the Minister had not thought about that aspect of the question. The schools today are turning out hundreds and thousands of matriculates who are not fit to do anything, they are not even fit to be good clerks. What this resolution aims at is to give them some industrial education so that the son of a blacksmith may become a better blacksmith, the son of a carpenter may become a better carpenter, the son of a weaver may become a better weaver and that is the object of my honourable friend, the mover of this resolution. That is why he wants that industrial education should be introduced in all the schools. As a matter of fact, he does not say that it should be made compulsory. He says that "it should be the alternative additional subject of individual industries according to the requirements of each locality." The Hon'ble the Minister, Sir, I regret to say, was very vague on this point. When he got up to speak on this resolution, he should have given us facts and figures to show as to what his Department was doing, as

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to in how many schools manual training and industrial training has been introduced and what is the intention of the Hon'ble the Minister and his department to do further in this direction.

Sir, the mover of the resolution said something, and I think he was supported by Mr. Brijnandan Lal, about settling young men on land. There is no doubt that agriculture today is not a paying industry, but it cannot be denied that the agricultural industry, as it is run today in this country, is open to great improvement, and I feel that if we could find some means if we could find land to settle these young men if we could find money to help them to start agricultural industry, then it will be of very great benefit to a number of these educated young men. But that alone will not solve this problem. The number of the educated unemployed is too large to be dealt with by that one method alone. I hope, Sir, the Hon'ble the Minister will not forget all about this resolution and the words which he uttered today on the floor of this House, but will continue to spend sleepless nights over this question, if he is capable of spending sleepless nights, till he has found a solution to this problem. This problem of the unemployed is a very serious one in these provinces and unless the Government can find a satisfactory solution to it, it will be a great menace to the Government as well as to the society as a whole.

Rai Bahadur Babu Vikramajit Singh : I think it was very proper and right on the part of my friend Mr. Zahur Ahmad to have brought this resolution at a time when an industrialist is in charge of the Department of Industries, and as my honourable friend Nawabzada Sahib has pointed out, if this question cannot be solved during his time, we may take it that it will never be solved. My honourable friend the Minister has got the reputation of being a successful industrialist and this question, we hope, will be definitely solved in his time. We all know that there is such acute unemployment at the present time and the people themselves have failed to find a solution. They have therefore to turn to Government to find a solution of the problem. I think, Sir, the solution of the problem is not a difficult one if the Hon'ble the Minister gives special attention to the matter. My honourable friend Nawabzada Sahib has made a very clear and lucid speech on this question and he has pointedly brought out the points that have to be considered in connexion with this resolution. The question, Sir, is that people cannot become prosperous merely by directing their attention to agriculture. This ought to be recognized that agriculture alone, though it is a very important industry of the province, will not solve the problem of unemployment. There is no doubt that industries have to be improved, and development of industries has to be specially taken up by Government. We find on the agenda paper today another resolution asking for the establishment of an industrial bank. That is also meant to help industries, but here we are chiefly concerned with the question as to how industries ought to be helped and improved. The Hon'ble the Minister thinks that if subsidies are given to industries, the money of the tax payer might be wasted. I think, Sir, that that is really not a very satisfactory frame of mind.

Government has to see that though subsidies may be given, they will not be wasted. In some cases they may be wasted, but in the majority of them they will profitably be employed. If the Government takes upon itself to improve the industries of the province, I think it will not be difficult for them to assist people in every possible direction. The Government realizes that it may give expert advice where it is needed, but as has been found expert advice alone is not sufficient. It is really in many cases the initiative that ought to come from Government. The Government, if it wishes to help, can organize capital and also subsidize industries and can put the people on the right track. There is no doubt that there are capitalists in the province who are running their own industries, but it is the middle-class people, who may have brains, who may be desirous of engaging in industrial undertakings but have not the means and capital to do so, it is they who stand in need of Government help. The Hon'ble the Minister is a great industrialist himself and he can help the people in the province to improve existing industries, to start smaller industries wherever possible and also to give subsidies. If he does so, I think it will be a great achievement to his credit. I think, Sir, it cannot be assumed that wherever any subsidies will be given those subsidies will not be rightly employed. We cannot proceed on the assumption that the Government will be deceived everywhere. I think it will be——

The Hon'ble the Minister for Education : That has been the experience in the past.

Rai Bahadur Babu Vikramajit Singh : That will be in very very rare cases. I think even if we were to take into account the past experience Government will not be able to state many cases of that kind. They can be counted on fingers. Government has got resources to find out the realities. It has got its district officers, it has got its organization through the Department of Industries, it can ascertain as to the character of the people who want to launch in such sort of undertakings. Therefore I say that it will really be shirking the responsibility if the whole question were to be dropped on the basis that the Government may be deceived in some cases in giving away subsidies. I hope that the Government will revise their opinion on that point and will try to assist people in starting new industries as well as in helping the struggling industries wherever they have been started and where they are dying for want of funds. It will not be in the least difficult for the Government to find honest men who are trying to make a living for themselves and help those honest people with subsidies. I do not say if the Government were not satisfied with regard to the *bona fides* of a particular individual that they should give subsidies or grants-in-aid, but they ought to give in those cases where the head of the Department and the Government are satisfied that if money is given it will be profitably used. The only question is, as was pointed out by my honourable friend Mr. Brijnandan Lal, whether the Government consider that this is a policy which ought to be adopted or this policy ought to be absolutely given up. I think, Sir, it has been rightly

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pointed out that in other countries the policy of giving subsidies has helped, and in most of the countries where industries have developed and advanced it was the Government that gave assistance. Therefore the right course for Government would be to give active assistance in all such matters for the development of industries. Unless the industries of the province are developed, I do not think that this question of unemployment can be solved. That is the only way in which we can solve this question. A large number of people will be employed in running the industries and India can become a self-contained country in many directions. It may be a difficult question, that is another thing. It has been admitted by the Hon'ble the Minister that the Department of Industries in the past has not been very successful. I hope every attempt will be made by him to make this department successful, so that its main object to improve the industries may not suffer.

With regard to the other point which has been raised namely of vocational training, I do not think that the mere fact that there are certain manual classes in schools is sufficient. That I think is a very very elementary thing which has been introduced in some of the schools and that will not be sufficient. The idea is that there should be liberal teaching for those who want to qualify themselves merely with an education of that type. But for those students who require to have vocational training, there ought to be facilities in the schools for them, and with that object in view there should be vocational training classes. Therefore I think that if the principles underlying in this resolution are accepted, and if they are given effect to it is quite possible that the condition of the people of this country may improve and the question of unemployment may be solved, if not entirely at least to a very great extent. I therefore give my support to this resolution.

Mr. Zahur Ahmad : Sir, I have heard carefully the speech of the Hon'ble the Minister of Education. He was very sympathetic towards my resolution in the beginning of his speech but I am afraid, Sir, that the "but" which he used after the sympathetic expression is an unusually big "but". Though he expressed every sympathy with the object of my resolution yet he has not accepted the principles which this resolution enunciates. Speaking on the question of giving subsidies he said that there was no honest man living to make honest demand for subsidies and every one who demanded a subsidy or aid was a swindler.

The Hon'ble the Minister for Education : I did not say that at all.

Mr. Zahur Ahmad : He said that the taxpayer's money will be wasted if the people are given subsidies, and that every man who came forward to ask for subsidies was not honest.

The Hon'ble the Minister for Education : No, no, I did not say that.

Mr. Zahur Ahmad : I am pleased Sir, that he did not mean that. Should I understand then, that he meant that there were some black sheep in every fold? If it is so it is not a pleasant argument. The Hon'ble the Minister has remarked that in some schools vocational

training has been introduced. I do not deny this but I want that vocational training should be made as an alternative in each and every school to enable students to take it up according to their taste. The general report on public instruction issued only the day-before-yesterday was handed over to us on the 15th February, 1933. The head of the department, the Director of Public Instruction, does not seem to attach much importance to the vocational training to be introduced for each and every school. He does not believe in the utility of such education, and in his report remarks "There are continual complaints that the curriculum does not fit a boy for earning his living, and a demand for more vocational subjects. This demand is largely based on a misunderstanding of the fundamental aims of education." Sir, the young men of this country are dying of starvation, because the education imparted to them does not make them earning members of the family and the Director of Public Instruction is thinking of the fundamental aims and objects of education. Sir, with your permission, I will quote a couplet of the great Omar Khayyam :

گویند که مـرد را هـنر مـی داید * مـا نـسبت عـالی پـدر مـی بـاید
اـسـرـوز آنـچـنـاں شـده اـسـت دـر نـوبـت مـا * کـیـنـهـا هـمـه هـیـچ اـسـت زـر مـی داید

While the Hon'ble the Director of Public Instruction is thinking of the fundamentals of education the world is crying according to Khayyam that "Nothing of the sort will help except some means of livelihood." If the Hon'ble the Director of Public Instruction is really going to devote all his energies to the fundamentals of education and only give such education which will produce authors, philosophers and thinkers only I am afraid, Sir, the starving educated young men in the country will leave no room for philosophers and authors and thinkers to benefit the people by their learning and thinking and there will be nothing but disorder, confusion and chaos. The Hon'ble the Minister has asked me : "What are small industries which should be subsidized ? I have already referred him to the Industrial Survey reports that were prepared in 1921—23, they are full of that information. There are many small industries like bangle-making, steel trunk-making of Allahabad, brass work, Tanda industries, Lucknow chikan work, Benares cloth industry and printing of cloth and so many other things. These and similar other small industries exist in rural and urban areas. We should not only devote ourselves to sugar industry and oil milling—these are looked after by the capitalists—but there are these small industries for which we should encourage our young men so that they may earn their livelihood. The Hon'ble the Minister has already admitted the difficulty of providing land for all the people. He admits that the holdings have become small, but he says that the department cannot help them. Knowing full well that holdings have become small, I have submitted that sending young educated to land alone will not suffice, unless and until some small industries are encouraged and subsidies are given to the educated

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young men in order that they may supplement their income from agriculture. This unemployment problem will not be solved without taking bold and prompt step of utilizing young men in the industries. I therefore regret that I cannot accept the appeal of the Hon'ble the Minister, that I should withdraw the resolution. He said that an expert committee is sitting and considering the question. Well, Sir, this is a harmless resolution and let this resolution go before that expert committee and let that committee give due consideration to the suggestions embodied in the resolution.

The Council was then adjourned for lunch at 1.32 p.m.

After recess, the House reassembled at 2.15 p.m. with the Hon'ble the President in the Chair.

The Hon'ble the Minister for Education : I will, with your permission, try and remove some of the misunderstandings which seem to have prevailed in the House as regards the answer I gave to the resolution under discussion.

Sir, I am not opposed to the object which the honourable mover has in view. I entirely agree that industries should be encouraged so that they may help to solve the problem of unemployment. It seems to me that there is some confusion in regard to the meaning of the word "subsidy." The honourable mover has recommended that Government should start "subsidized industries" in every district. Sir, he has not made it clear what he means by the term "subsidized industries." I took him to mean that he wanted Government to give monetary grants to industries which may be started in the districts. Of course, there are various ways in which industries may be subsidized by Government. It may be by giving grants. Grants are returnable. You may call them doles. Then you may help industries by giving loans. These are the two methods of giving direct financial aid to industries. Then, Sir, you may give them indirect financial aid, that is, by giving them protection against imports. Mr. Brijnandan Lal had this aspect of financial aid in mind when he spoke.

Mr. Brijnandan Lal : I gave this as an example of artificial aid.

The Hon'ble the Minister for Education : I do not know what is artificial and what is natural. But I would not call any of these methods of rendering aid as unnatural. Then, Sir, Government could perhaps take up shares in a company started to run industries. Government could take up debentures. The exact meaning of the mover has therefore not been made clear.

Mr. Zahur Ahmad : May I clear up the position in two words ?

The Hon'ble the President : Is it on a point of personal explanation ?

Mr. Zahur Ahmad : Yes, Sir. The young man should be asked to invest a certain amount of money and the Government, after satisfying themselves should also help him with some subsidy or loan or grant as they think fit. For instance, a young man comes and says that he wants to establish a factory for bangles and that he can invest

Rs.500, while he required Rs.1,000. The Government should satisfy themselves whether the man can give Rs.500 for that purpose and is a genuine young man who will earnestly devote himself to the task and then, after due enquiry can advance the money either as a subsidy or loan or grant. What I meant was that the Government should give a certain amount of money which he requires in addition to what he can himself invest.

The Hon'ble the Minister for Education : With due deference to the honourable mover, I am afraid the point is still not clear. If we give them loans, we are expected to make sure of security. A loan is a purely business proposition. We must see to it that the person who receives the loan will be in a position to repay it. Of course, the case of grants is different. If it is decided that the Government should give so much financial aid by way of grants *bakhshish*—or dole if you like to call it—that is another matter. Then, Sir, there is yet another way in which Government can render help to industries and that is by arranging to buy the product of the industries. All these various methods of aid will, I think, come under the category of subsidizing industries by Government. If the honourable mover means that Government should give these industries grants or perhaps even take up shares in the concern, then, Sir, I submit that that is not the only method by which Government could discharge their duty. Sir, I am not against the employment of any of these methods. In fact, I think all these methods have to be used with discretion in the furtherance of industries. My point was that by simply rendering financial aid it is not possible to secure the development of industries, cottage or large scale. You have, first of all, to organize production. Unless you can produce an article at an economic cost, at a competitive price, no amount of financial aid will give you success. You may invest lakhs and lakhs of rupees and yet you will come to grief. The second thing, Sir, is that you must have a market for these goods.

Khan Bahadur Saiyid Jafer Hosain : Why not create it ?

The Hon'ble the Minister for Education : Mere financial assistance by Government cannot help to create a market. What I mean is that the problem of starting industries has to be tackled in all its various aspects simultaneously. You cannot adopt only one of these measures and leave the rest to chance. The resolution puts on the Government the responsibility to start subsidized industries. Sir, I wish to tell the House very very frankly not to ask Government to start any industries. No Government in the world is capable of starting or running industries. Your experience in the United Provinces has been bitter enough. Take any country in the world. Every industry started by Government in which Government had a direct hand has proved a failure.

Khan Bahadur Saiyid Jafer Hosain : Don't they subsidize industries in other countries ?

The Hon'ble the Minister for Education : There is again a confusion in regard to the word "subsidized." I say what I think and I know what I say. The Government does not take in any country a direct financial share in the business.

Khan Bahadur Saiyid Jafar Hosain : What about the Persian Oil fields ?

Thakur Balwant Singh Gahlot : What about Japan ?

The Hon'ble the Minister for Education : As far as I know no industry in Japan is owned by the State. They assist by protection, tariff, concessional freight and such other indirect methods, unless there is an industry of natural importance which can only be run by the State. There are various examples of that kind of industry. Take the biggest example. During the War, the British Government lost some hundreds of millions of pounds on trying to establish the dye-stuff industry in England. They helped to start a concern called the British Dye-stuff Corporation with a huge capital—I just forget the figure—and it failed miserably.

Khan Bahadur Saiyid Jafar Hosain : What was the cause ?

The Hon'ble the Minister for Education : Well, the cause is, Sir, that Government by the very nature of its composition and personnel is not in a position to run industries. No Government can run industries.

Rai Bahadur Babu Vikramajit Singh : It is a question of subsidizing.

The Hon'ble the Minister for Education : . . . much less the Indian Government where there is such great paucity of experts and people who know their jobs. My frank advice is that Government should not take a direct hand in the matter of establishment of industries. When I say this I do not mean that a Government should not render help in various ways which are very necessary. Take the question of financial aid to industries. We have our own experience before us: A speaker who has preceded me said that we have had one or two failures. Sir, I have looked up the matter since and I can tell the House authoritatively that of all the loans advanced by the Government for the assistance of industrialists only one can be said to have achieved its object during the last 14 years. Not only very large sums of money amounting to nearly 10 or 12 lakhs have been lost, but those loans have not helped to establish any industry. I would not mind Government losing a few lakhs of rupees if as a result of that it could be said that an industry which did not exist before has been established in the country.

Rai Bahadur Babu Vikramajit Singh : Is it not a fact that that 10 lakhs consisted only of one loan that was lost ?

The Hon'ble the Minister for Education : No, Sir, that is not a fact. I have here a list which I can supply to the members. This is a statement which is not confidential. I have here a list of 29 loans that have been advanced during the last 14 years or so. The total amount advanced came to 16 lakhs of rupees, out of which we have lost and definitely written off nearly 9 lakhs of rupees, and the major part of

the balance is regarded as a very doubtful debt. The loans relate to all sorts of industries, glass industry, flour-milling, manufacture of printing ink, sugar mills, type factory, meto-china, jam-making and fruit-canning, the manufacture of disinfectants, and all sorts of things. Sir, these loans, at any rate the majority of them, were given on the recommendation of the Board of Loan Commissioners, which is as reliable and capable a body as one could expect. Still the fact remains that those who served on this Board did not have personal experience or first hand knowledge of those seeking aid. If an application comes before them, they are naturally inclined to be lenient with it. If the matter was dealt within a business concern, they would look into every aspect of it very carefully. It has been suggested by one speaker that Government is in the best position to watch and investigate a request for grants. Well, Sir, I do not know what special agency the Government possesses for a work of this description. One speaker made the suggestion that district officers could be trusted to look after industries and industrial grants.

Rai Bahadur Babu Vikramajit Singh : On a personal explanation. I never said that district officers should be entrusted to look after industries and industrial grants. What I said was that the Industrial Officer and the Industries Department could investigate and let Government know with regard to the character of the individual who wants a loan.

The Hon'ble the Minister for Education : Well, Sir, that is exactly what has been done in the past. But, Sir, I am sorry to say that our experience has not been encouraging. An I. C. S. has many qualities, I admit, but to look after industries or to act as an expert in the matter of grants to industries is, I think, not a qualification which he would lay a great claim to. Sir, the honourable mover of this resolution has said that I suspected that those who apply for grants would be swindlers or something of that sort, and so there would be a danger of Government losing the money. I refuted this remark of his by an interruption during the course of his speech, but I wish to assure him again that that was not my intention. Even a very honest man coming to you for a grant might not be able to show results for it. The committee which is going into the reorganization of the Industries Department has got this very matter well in hand. Every aspect of the way in which Government can help industries is being studied. First and foremost is the question of technical education. You must have men to run industries before you can start them or before you can do anything with them. We have a number of technical institutions here, but there has been something amiss with them, because the products of these institutions do not appear to have made a success of themselves. Then, Sir, the second important desideratum is expert advice. No one can start an industry unless he is in possession of expert advice, and I think, specially in the case of minor industries, that it is the duty of Government to provide such advice. We must have real experts in the department to undertake this job. It is dangerous for the department to

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give such advice through pseudo-experts. The department will come in for a great deal more of criticism if people who went in for industries on its advice failed because of the advice not having been correct. Then, Sir, the third very important side of the thing is the finding of markets. It is not a bit of use starting any industry unless the products of that industry can be sold and converted into cash. So far as cottage industries are concerned, we divide them into two branches. One we call artistic industries producing art goods and the other producing non-art goods. When my friend the mover of this resolution referred to certain industries, I am afraid he mixed up both these classes. When you take art industries you have to deal with them differently in the matter of finding a market. He himself mentioned the case of chikan but it may be Moradabad artistic brassware or it may be ebony work of Nagina. These are not industries for which there is a steady market anywhere. These are art goods and you have to find a market for them, and not only in India—the market in India is very limited—but outside India amongst the class of people who like to buy these goods as curios. They are non-staple products and not of the kind that you could go on manufacturing without having created a market. You cannot tell anyone to start chikan work factory and go on manufacturing chikan for all it is worth without knowing where the goods will be sold. It would be fatal. It would very soon stop. Then, Sir, there are non-art goods which are turned out by cottage industries. There are a large number of them. The most important of these is cloth, cotton and woollen, turned out by handlooms. I can assure the House that the handloom weavers are not languishing for want of money to run their business. The mills have absolutely cut them out. The same goods of much better quality can be had cheaper. So their markets are restricted to the neighbouring localities where these goods are made. It would be futile if one were to try to find markets for these goods, for example in the Bombay market or in the Cawnpore market or in the London market where they simply cannot stand competition. Sir, the Industries Department Committee is tackling this very important aspect of the question. I am quite sure that if we can get orders for the products of the cottage industries, there will be no trouble at all in getting the workers to execute them. I have had myself personal experience of this in various classes of goods and I am quite sure that the main thing is to secure the business. This is big matter, but we are tackling it in the Industries Department Enquiry Committee. It might necessitate a very large organization spread all over Europe and America.

Then, Sir, last but not least is the question of financial aid. As I have already stated, financial aid might take different shapes. We might in the case of pioneer or nascent industries give them grants with which they can make experiments and establish themselves, but, Sir, the best way of rendering financial aid is to give loans. As Government, our experience of giving loans has been very sad. I think, and that is what the Banking Enquiry Committee has recommended, a more satisfactory way would be to make this financial aid available

through the agency of industrial bank in the starting of which Government might take a part; in the bank itself Government might be interested. Sir, this is also one of the matters which the Industries Department Inquiry Committee is looking into.

As regards protection or bounty, that is, of course, beyond the purview of this Government. That, no doubt, is a very effective way of helping industries, but that, I am afraid, will not be of great assistance or benefit to cottage industries. Cottage industries have first of all got to compete with factories in India itself. Take the case of sugar. You have the *khandsari* or small scale sugar factory. It has got to put up first with competition from the sugar mills in India. So that the imposition of tariffs will not materially help or benefit the cottage industries; it will, no doubt, help the development of large scale industries.

Sir, I was blamed by one speaker who hails from the Mirzapur District that my reply was stereotyped. I hope I have in this speech of mine removed the stereotype character of the reply. I have given as many details of what we are doing as I could. A serious suggestion has been made that we should immediately give effect to the recommendation contained in the resolution and I have been blamed for not having given effect to similar resolutions passed before. I wish it were in my power to do so. If industries would spring up simply by a stroke of my pen, I would very gladly give that stroke here and now. But this is a much more difficult matter.

Khan Bahadur Saiyid Jafer Hosain : Have a beginning.

The Hon'ble the Minister for Education : I hope I have been able to assure the House that I am making a most serious effort to find a solution for the problem; whether I will succeed or not is not in my power to say so. We can only try.

Another speaker, Sir, referred to the recommendations of some committee presided over by a predecessor of mine in regard to the starting of unemployment committees in districts. I could not very well understand his meaning, but so far as I was able to I think he had in mind the recommendation which the Unemployment Committee of four years ago made in regard to the starting of a bureau of employment. The object of that bureau was not to start industries but to register the names of those who were looking for employment. We have that bureau in existence as an experimental measure in the office of the Director of Public Instruction at Allahabad.

Mr. Brijnandan Lal : Sir, on a point of personal explanation. My object was twofold. The bureau should not only give information but should also help in starting industries.

Khan Bahadur Saiyid Jafer Hosain : How many persons have been employed?

The Hon'ble the Minister for Education : Sir, it is not in my hands or in the hands of the bureau to provide employment. I know the bureau is active; it registers the names.

Rai Bahadur Babu Vikramajit Singh : It is still in existence ? I thought it was defunct.

The Hon'ble the Minister for Education : It has been there all this time, but I confess it serves no useful purpose if it only registers the names of those who are looking out for employment. I may tell the story of my own mill. Some time ago I opened out a book to register the names of persons seeking employment. We used to receive many applications for jobs. We opened out a book and asked these men to write down their names, their qualifications and particulars of the nature of job they wanted in that book. In one year the number of those who had written down their names was 10,000. When the Secretary of the Government bureau wrote to me telling me that he had very good candidates whom he could recommend for jobs in my mills, I could have written back and told him that I could send him a better list myself and much more numerous. Sir, that would not solve the problem. We have got numerous service-securing agencies in the country. If one job is advertised in the country you receive applications galore. The solution of the problem lies in the direction of creating employment. Mere registration of those who are out of job is no solution of the problem at all.

Sir, as regards the committee which is going into the question of settling young men on land, I am afraid I am not so pessimistic as some of the speakers have been. I think there are possibilities in the direction in which the committee is working, but I will not prejudge their findings. We have appointed a businesslike committee which is composed of two respected members of this Council and of experts who can speak with authority on the matter under inquiry. Whether they will succeed or not, time alone will show. The committee has not been working very long. Its first meeting was held about the middle of January. Since then we have issued a questionnaire and, I believe, we have received about 150 replies. I was taken to task for not having told the House what those replies are. I have not myself seen them yet. They are daily coming in and the committee has not yet met for a second time. When I have a little leisure from the work of the Council I will hold another meeting of that committee.

Sir, I will, with your permission, say a few words in regard to the second part of the resolution and then I have finished. I have been taken to task by no less a person than the Deputy President of the Council for not having given him certain figures and facts. Well, Sir, I thought it was superfluous to give these figures and facts in my speech, as they are contained in various published reports of the department. And knowing what I do of the Deputy President, I thought he had read those reports.

Nawabzada Muhammad Liaquat Ali Khan : Which report ?

The Hon'ble the Minister for Education : Sir, these figures are contained in the annual reports of the department which are issued every year and they are also contained in the general report of the department for the quinquennium ending the 31st March, 1932, which has been placed before the members of the Council some days ago.

Nawabzada Muhammed Liaquat Ali Khan : On a point of personal explanation, Sir. The report referred to by the Minister was supplied to us only three days ago during the Council session. Non-official members, as you know, Sir, have not got secretaries and deputy secretaries, as the Hon'ble the Minister has, to read the reports for them and have not the same time and facilities at their disposal as the official members. We have got to read the reports ourselves.

The Hon'ble the Minister for Education : Well, Sir, I shall not argue on the relative assuidity and diligence possessed by official and non-official members of the Council, but, Sir, these figures are contained in this report. We have started 46 classes for manual training in the secondary schools and we have started 32 classes for manual training in vernacular middle schools. Sir, we might have done more, but finances were the obstacle. The House is aware that the question of vocational training in schools has engaged the attention of the Board of Intermediate Education. They have expressed the opinion that the demand after the High School stage for such vocational training as shall fit a student to begin to earn his living after a course of not more than two or three years will best be met by the provision of special institutions which should grant diplomas in the various subjects offered and that the utmost that the Board could do in framing its own courses was to group the subjects offered, that while providing a sound general education suitable as an introduction to university studies they should also fit students to enter upon higher specialized courses in technical institutions. Sir, the Board has accordingly grouped subjects and published this grouping in the prospectus which the members of the Council must have seen. There are special groups recommended for students desiring to proceed to the study of medicine and engineering and teaching. Vocational subjects like manual training, metal work, book binding, spinning and weaving and music have been included in the list of optional subjects for the High School examination. The Intermediate examination in Commerce and the Intermediate examination in Agriculture are examinations that may lead to specialization in the commercial or agricultural lines. Sir, I think the Board is already doing what it can in this direction, but I will undertake to send to the Board a copy of the proceedings of today's debate, which they will doubtless consider favourable. Sir, I think I have dealt with all the points that have been raised in the course of the debate, and I hope I have been able to satisfy the House that we are already doing all that is possible in order to achieve the object which the mover has in view. I am not opposing the resolution, but it seems to me that after what I have told the House, the passing of the resolution would be a superfluity.

The Hon'ble the President : The question is that this Council recommends to Government that in view of the increased and increasing unemployment amongst the educated classes of these provinces immediate and practical measure be adopted to start subsidized industries in every district after a careful examination of the brochure of the

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industrial survey of each district prepared by the Department of Industries during the period of the first reformed Council (1921—1923) and to introduce in all educational institutions the alternative additional subject of individual industries according to the requirements of each locality.

The question was put and agreed to.

RESOLUTION RE ESTABLISHMENT OF ANGLO-VERNACULAR MIDDLE SCHOOLS FOR GIRLS

The Hon'ble the President : Will the honourable mover please come up here.

Babu Ram Bahadur Saksena : Sir, I beg to move—

“That this Council recommends to the Government to take immediate steps to provide Anglo-vernacular middle schools for girls at all the district headquarters.”

Sir, Sir Phillip Hartog, K.C.B., C.I.E., President of the Auxiliary Committee of the Simon Commission, in a paper read before the East India Association, said that “the four biggest problems for the future of India are (1) education, (2) disease, (3) agriculture, and (4) social reform, and the progress in the last three depends essentially on the progress in education.” I would like to amend that weighty statement by saying that the progress in the last three problems depends very much on female education, and my authority for making such a statement is no lesser a person than Sir Phillip Hartog himself. He says that “the education of the mother is a supreme necessity in India . . . It is of incalculable importance, and my committee and the Simon Commission have both put the question in the forefront.” It must, therefore, be clear to everybody that the education of females is at the present moment a question of supreme importance and it cannot be put off now by saying that there are no funds for the purpose. The question shall have to be dealt with in a more sympathetic manner. So far as the education of boys is concerned, that function has more or less been taken over by the State; but as regards girls' education, I am afraid that the question is being almost neglected so far as Government is concerned. It is considered to be something that is not a necessary part of the administration but somewhat of a luxury. This would be clear from the figures that I will presently quote.

From the last General Report of the Department of Public Instructions in the United Provinces of Agra and Oudh for the quinquennium ending the 31st March, 1932, we find that there are 12,418 boys receiving instruction in the Universities and Intermediate Colleges, while there are only 171 girls; there are 1,270 boy students in Law Colleges, 752 students in the Engineering Colleges, 208 students in Agricultural Colleges, 721 in commercial Colleges, and 18 in Forestry, whereas we do not find even one girl student in any of these colleges. As regards schools, we find that in vernacular middle schools there are no less than 77,607 boys, whereas in English middle schools there are 12,999

boys and only 7,381 girls. Similar is the case with educational institutions for boys and girls. There are no less than five universities for boys, while there is none for girls; there is one Board of High School and Intermediate Education for boys, while there is none for girls; there is one Government Arts and Science College for boys, while there is none for girls; there is one aided Medical College for boys, while there is none for girls. Similarly, there are Government Colleges in Engineering, Agriculture and Forestry for boys, but there is no such college in existence for girls. There are 48 Government High Schools for boys, but there is not even one Government High School for girls. There are four Municipal Board High Schools for boys, but there is no Municipal Board High School for girls. There are 134 aided high schools for boys and 27 for girls.

These facts must have convinced honourable members that the English education of girls has so far been treated in a wholly step-motherly fashion. I admit that there are a few of Anglo-Middle Schools for girls, but I am sorry to note that almost all of them are aided schools. There is only one Government Anglo-Vernacular School for girls in these provinces. Is it not a very sad state of affairs?

I have put my resolution in the mildest form possible. I have not put forth any extravagant proposals. What I want is that at least one Anglo-Vernacular Middle School be established at every district headquarters. Government institutions may not be established in districts where there are aided schools already in existence. They may be opened only in those districts where there are no facilities at present for the English education of girls.

In the chapter on "The education of girls" in the report referred to above, the following words occur:

"The encouraging feature of the quinquennium under review is that public opinion in regard to girls' education has changed and in many places and amongst many communities indifference has been succeeded by appreciation. This is manifested by (1) a willingness to prolong the school life of girls, (2) an active desire to raise the standard of education, and (3) a demand for additional schools. It is to be regretted that at this juncture progress should be hampered by lack of funds. The progress that has been achieved is, however, doubly valuable, because the path is difficult."

This is about the general education of girls. About their English education the report says:

"The increase in the number of schools bears witness to the spread of the desire for a knowledge of English amongst girls of middle and higher classes. In many vernacular schools the subject was desired by some parents, and accordingly two years ago English was added to the list of alternative subjects for vernacular middle classes. The addition seems to have been appreciated. The majority of English middle schools are maintained by the Mission. They are doing very valuable work in the cause of education."

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If, therefore, such schools are not brought into being now, it would be due to the apathy of the Government alone, because they themselves have admitted in the report, some extracts from which I have just read before the House, that there is a very strong desire for the English education of girls amongst the masses and that the old prejudice that existed amongst orthodox people regarding the education of girls is fast dying out.

Sir, education of girls, as I said in the beginning, is very important and, to speak in the language of Sir Phillip Hartog, much depends upon the education of the girl. It must be admitted that the girl of today is the mother of tomorrow. As a matter of fact, according to the peculiar family conditions obtaining in India, it is the mother who can be expected to spread her personal influence over the family, to build the character of her children, male or female. It is unfortunate that in a poor country like India, fathers have very little time to look after their children. They have to spend all the time that they have in earning money to provide meals for those who are dependent on them. In these circumstances it becomes all the more necessary that the right sort of education should be given to the girls of today. The Simon Commission in their report have said about the Indian women—

“The women’s movement in India holds the key of progress, and the results it may achieve are incalculably great. It is not too much to say that India cannot reach the position to which it aspires in the world until its women play their due part as educated citizens. We may quote a passage (page 151) from the Review of our Auxiliary Committee on Education, which included among its members an Indian lady of distinguished public service. ‘The innate intelligence of the Indian woman, her feeling of domestic responsibility, her experience of household management, make her shrewd, penetrating, wise within her own sphere. The social position of the Indian woman needs to be strengthened; for in every country, as power passes more and more from the hands of the few into the hands of the many, more and more is the steadying influence of woman needed as the guardian of family life, not only inside but outside the family circle. In all matters of educational and social reform, the counsel and active work of women are essential both in administration and in public affairs. The education of women, especially in the higher stages, will make available to the country a wealth of capacity that is now largely wasted through lack of opportunity. It is only through education that Indian women will be able to contribute in increasing measure to the culture, the ideals and the activities of the country.’ ”

Give her a little education and she would make an ideal person to influence the members of her family. That English education is necessary for girls is a fact which I do not think requires argument. I would, therefore, content myself by saying that if English education is necessary, is good for boys, it is more so in the case of girls. The Simon Commission and the Hartog Committee have both in effect said

"Spend now first everything that can be effectively spent on the expansion of girls' education and the remainder for improving the condition of boys." It must be admitted that it will be in the interest of both boys and girls. The Hon'ble the Minister for Education said the other day that he was in sympathy with the motion which was moved by our only lady colleague about girls' education. But I should think that these are the days for action. Mere lip sympathy will not do, and if the Government are really earnest about the education of girls, then I would only submit that they should give proof of their earnestness by accepting the important but very modest resolution on the subject. With these words, I commend my resolution to the acceptance of the House.

At the commencement of the above speech the Deputy President took the Chair at 3.12 p.m.

The Hon'ble the Minister for Education : I rise early as I think that after I have spoken the House may not like to discuss the matter further. The resolution which has just been moved has been accepted by the Government, or similar resolution was accepted by the Government in June 1929. That resolution was moved by my friend, Mr. Ahmad Shah, who has just raised his head to remind me of his existence. A repetition of the same thing, therefore, is in the nature of flogging a dead horse. Government have been carrying out the policy enunciated by the resolution for some time. They have, it is true, not been able to open new Anglo-vernacular schools for girls, but they thought that it would be more economical to meet the demand for the teaching of English to girls by developing English classes in the existing Government vernacular schools for girls. They decided to proceed in this manner, because, firstly, the public have confidence in the existing schools and are in favour of adding English classes to them. Secondly, local needs can be more economically satisfied in this manner than by opening entirely new institutions. Thirdly, the majority of girls who want to learn English are already in the Government vernacular schools. Fourthly, the numbers willing to learn English are poor, and it would be wasteful to provide buildings and staff for a small number of girls when they could have the benefit of teachers teaching in subjects other than English in the existing vernacular schools than could be provided in a small Anglo-vernacular school. In pursuance of this policy Government have opened English classes in the Government vernacular schools for girls at Fatehgarh, Hardoi, Almora, Partabgarh, and Azamgarh, and at the Girls' Normal Schools at Bareilly and Lucknow. But, Sir, Government have besides this assisted, wherever possible, local effort to establish Anglo-vernacular schools for girls. Thus recently in collaboration with Rai Bahadur Jawahir Lal Sinha of Ghazipur, they have established an Anglo-vernacular girls' school at Ghazipur. Sir, I wish to assure the House that it is the definite policy of Government that where they are satisfied that there is need for a Government Anglo-vernacular school for girls and that where such a school would be successful they intend to provide the school, subject, of course, to the

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condition that funds are available. It seems to me that the cheapest way of doing so is to convert the local Government vernacular school into an Anglo-vernacular school, if this can be done without injury to the interests of vernacular education. The department is considering the question of converting the Government girls vernacular school attached to the Normal School at Bareilly into an Anglo-vernacular school. The department is further considering a scheme for the conversion of the girls vernacular middle school at Mainpuri into an Anglo-vernacular school. It will thus be seen Sir, that the Government have already in practice accepted the principle of the resolution. They have been doing all that they could in furtherance of this principle. The manner in which they have been acting is obviously an economical way of giving effect to the principle. They have been obliged to adopt that method because of the paucity of funds. Sir, there is no dispute between the Government and the mover of the resolution. As I started by saying, a similar resolution was accepted in 1929 and I have great pleasure in accepting this resolution today here. It was unnecessary for the honourable mover to have tried to impress on me the need for expansion of girls education and to have indulged in such arguments as "the girl of today is the mother of to-morrow." Sir, I am very glad that the honourable mover of this resolution agrees with some of the findings of the Simon Commission and he has been good enough to quote them on the floor of this House. Having been myself connected with that commission I fully appreciate the force of the remarks which my friend has just read out. I am pleased that appreciation has dawned on him at long last.

Mr. E. Ahmad Shah : It is now, after five years that the resolution which I sponsored in the Council is being reintroduced in a different form. It is in view of the importance of female education inasmuch as it consists in the introduction of English, that I once again give my support to not only what has been said by the honourable mover of this resolution but also what has been just now stated by the Hon'ble the Minister for Education himself. I would like to bring to the notice of this House two facts. Firstly, English middle schools for girls in 1926-27 were 32 : now, according to the quinquennial report they are 47. This implies an increase of about 45 per cent. as far as the number of schools is concerned. From the point of view of the number of scholars the increase is much more than that. Though the increase is encouraging both in the number of schools and in the number of scholars, I would like to bring to the notice of the members of this House one thing. This increase is largely due to private agency. Government in spite of accepting my resolution in 1928 have not moved with a speed that we expected at that time and which we desire at this hour. The Hon'ble the Minister for Education has suggested that Government are doing their best by opening up classes for English in the Vernacular Middle Schools. But he has given five instances where English has been offered as a special subject for girls who are reading in vernacular schools. If the number is only five, it is of hardly any significance, comparing the number of vernacular schools in our

province. There are 186 vernacular middle schools for girls and if English is introduced only at five places it is very insignificant indeed. As the Government have accepted the spirit of the resolution and they want to speed up English education of girls in these provinces, I would suggest that Government should introduce the teaching of English at a large number of vernacular middle schools; so that if complete facilities are not available, as they are in the Anglo-vernacular schools, at least more facilities be given to girls studying in the vernacular schools. I am fully aware of the fact that Government is always handicapped on account of two drawbacks, viz., finances and the paucity of teachers. Sir, this difficulty will always remain. If in spite of the difficulties we take it upon ourselves to develop a particular scheme, the difficulty instead of being a handicap, will be a challenge, which will enable us to put more effort in our activities, to put more zeal into our efforts. This frame of mind will make us speed up the scheme of education for girls. I do not want to say anything more because Government accepts the policy. I only want to suggest that the Government should accelerate the speed of action in this direction.

Babu Ram Bahadur Saksena : Sir, I have very little to say after the speech of the Hon'ble the Minister for Education. But although he has accepted the principle underlying my resolution, he has made certain remarks which call for a reply. He said that a similar resolution was moved in 1929 and to bring a similar resolution again is like flogging a dead horse. But the facts and figures that the Hon'ble the Minister for Education himself gave proved that the horse required little flogging by means of a resolution. Honourable members must have noticed that progress in this direction made during the last five years was very very slow. He said that five Anglo-vernacular schools were opened in five years and there is a scheme of converting some vernacular middle schools into English middle schools. Well, Sir, if this is the record of the Government work during five years in the case of female education, I must indeed be sorry for the Government. The Hon'ble the Minister for Education has admitted that the most economical way to deal with the question was to convert the existing Government vernacular middle schools into English middle schools, and that in that way the thing could be done at a minimum expense. At almost all district headquarters there is a Government vernacular middle school for girls and at almost all district headquarters there are municipalities. And there is hardly any municipality in the United Provinces in which there are not a number of municipal vernacular girls' schools. I, therefore, think that the Government vernacular middle schools have outlived their necessity and the function that they used to perform some time ago is now being performed in a better manner in municipal schools. Therefore, the minimum that Government can do in this direction is to complete the scheme of converting vernacular middle schools into English middle schools as soon as possible. The Hon'ble the Minister for Education took me to task for my having taken liberties with the document which in the opinion of the

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Hon'ble the Minister is a document which may not be touched even with a pair of tongs by the members of the opposition. Well, Sir, if I have unwittingly done an honour

The Hon'ble the Minister for Education : I did not mean that, Sir.

Babu Ram Bahadur Saksena : If I have unwittingly done an honour to that document which, by the bye, I agree with the Hon'ble the Minister, it does not deserve, then I shall not grudge the Hon'ble the Minister what little satisfaction he may derive from my quoting from it. Sir, as the resolution has been accepted, I need not any more waste the time of this honourable House.

The Hon'ble the Minister for Education : I have nothing more to say.

The Deputy President : The question is that this Council recommends to the Government to take immediate steps to provide Anglo-vernacular middle schools for girls at all the district headquarters.

The question was put and agreed to.

RESOLUTION *RE* PROVISION OF TUBE-WELLS IN THE HYDRO-ELECTRIC AREA

The following resolution tabled by Rai Sahib Sahu Jwala Saran Kothiwala was not moved owing to the honourable member being absent :

That this Council recommends to Government to open a larger number of small tube-wells in the hydro-electric area.

RESOLUTION *RE* TRIAL OF CASES IN CAMP BY MAGISTRATES

Babu Ram Bahadur Saksena : I beg to move—

That this Council recommends to the Government to issue instructions to all magistrates and assistant collectors that, excepting the cases that relate to villages which are situated within a radius of three miles of the place where such magistrates may be camping, no other case shall be taken up by them in camp.

Sir, tours may be necessary in the interests of the efficient performance of the executive duties of magistrates and assistant collectors, but they have proved to be a regular nuisance so far as the judicial work of these two kinds of officers is concerned. Tours are undertaken usually in the winter for about a month and over. People who happen to have cases during this time in the courts of assistant collectors and magistrates have to undergo a lot of troubles and inconvenience and incur unnecessary expenditure in a number of ways. If a case is taken up in camp and the parties are being represented in that case through a pleader, he has to be taken from the Sadar to the place where the magistrate or assistant collector may be camping. It is a
 Hence that pleaders charge much more for
 would if the case was taken up at the Sadar.

In this manner these tours become very expensive for the poor litigants. Besides that, as I said in the beginning, it is very inconvenient. There are no rules requiring the magistrates or assistant collectors to fix places of their camp near railway stations or at places which may be easily accessible. It is a matter of common experience that these gentlemen hold courts in camp at places which are almost inaccessible. When parties go there after incurring so much expense, they find that the magistrate or the assistant collector, who is generally more interested in his executive work, has not been able to finish it during the course of the day. Sometimes the parties and their witnesses have to wait till late in the evening and ultimately they have to go back disappointed after incurring all the expense of taking a pleader and witnesses to the place of camp. My attention has just now been drawn by an honourable member to the fact that in a majority of cases it happens that when an officer is camping cases are taken at unusual hours. No rules regarding court hours are observed. Shikar forms one of the most important items of the out-door duties of these camping officers. And Shikar is obviously more interesting than the dull drudgery of recording evidence. No wonder, therefore, if the court work is altogether forgotten in these circumstances. Well, Sir, they may hold their courts anywhere they like, they may carry on their executive duties at any place they like, but for heaven's sake do not leave the poor litigant to bear all the unnecessary expenses and the inconvenience that he has to undergo on account of these tours. I have therefore proposed in my resolution that no case shall be taken up in camp excepting the cases that relate to villages which are situated within a radius of three miles of the place where the officer may be camping. I feel that even the taking up of these cases in camp would mean some extra expense to the parties concerned, because in those cases also pleaders will have to be taken from Sadar and they will charge special fees, but I think that if there are any cases which can better be decided on the spot, there will be no harm in their being tried there and the extra expense would be more than counter-balanced by the saving of expenditure which would have been incurred for taking witnesses to the Sadar. I therefore commend my resolution for the acceptance of the House.

Rai Sahib Rajeshwari Prasad : Sir, may I have your permission to move an amendment to this resolution ?

The Deputy President : What is the amendment ?

Rai Sahib Rajeshwari Prasad : I beg to move that in the resolution the words beginning from the word "excepting" in line 2 onwards up to the word "camping" be deleted and also the word "other" in the last line be deleted and at the end the words "without the consent of the parties" be added. The amended resolution would run thus :

"That this Council recommends to the Government to issue instructions to all magistrates and assistant collectors that no case shall be taken up by them in camp without the consent of the parties."

The Deputy President : Is there any objection to the amendment being moved ?

(No objection.)

Rai Sahib Rajeshwari Prasad : Sir, I have very little to say with regard to the amendment which I have moved. The arguments in favour of the resolution have already been put forward by the honourable mover. There is only one point that I would like to make and it is this. If the recommendation in the resolution is confined to cases within a radius of three miles of the place where the officer is camping, the difficulties that have been enumerated by the honourable mover would still continue to exist. It is not only the parties to a case who are concerned. Witnesses have to be summoned from distant places, lawyers have to be taken from the headquarters ; so the inconvenience and expense to the litigants would still continue to be the same if the magistrates and assistant collectors are forbidden to take up cases in camp generally but they are allowed to take up cases from areas within a radius of three miles of the place where they are camping. That is the only point that I wanted to make out. The rest of the argument has been very clearly made out by the honourable mover.

Shaikh Muhammad Habib-ullah : Sir, I am absolutely in sympathy with the resolution but my grounds may not be the same as those of the honourable mover of the resolution and of the amendment. I am speaking for those officials who go out in camp and I say it is a nuisance at times for them to take up cases while out in camp where their business is to make local inquiries and inspections.

I do not think it is a pleasure for anybody while he is out in camp to take up the cases and when the litigants come and say that they had engaged a pleader who may be late and that their cases may be taken up later on, or when a magistrate is a kind hearted gentleman and sees that a lawyer has got to go a long distance late in the evening, from humanitarian point of view asks the lawyers to stay overnight as his guest, so as to save him the trouble of a long journey at a late hour and hazardous path. I do not think it is at all a pleasure for an officer to try cases while in camp. He has a lot of other work to do. His inspections alone are quite enough for his day's work, and I think the Government, which is very stereotyped in its ways, will try to change the programme of camping of its officers and make them free from all the judicial work while in camp. I think it will be both in the interest of the litigant public and the Government officials. Of course I am willing to accommodate the wishes of those mentioned by the mover of the amendment. If the parties wish that cases should be taken up in camp then they may be taken up, otherwise it should be made a rule that the judicial cases so far as possible should not be taken up in camp.

The Hon'ble the Finance Member : Sir, what interests me most about this resolution is the fact that everybody has asked that Government should do what it has already done. We are asked in general terms, to issue instructions to assistant collectors to act with more consideration for the convenience of litigants in respect of court work done in camp. Well, Sir, I have here a fairly

well-known book called "Manual of Government Orders," and will read a few of the actual rules existing on the subject. It is laid down that wherever possible an extra officer will be appointed for the conduct of cases at headquarters in order to relieve touring officers of unnecessary case work. Then it goes on to say: "Of the case work of which touring officers are not relieved they should do as much as possible at headquarters or at centres convenient of access to litigants and the bar—more especially cases of importance." Another rule lays down that where the stock of tents in a district allows, an extra tent should be taken out at Government expense by officers when they are going out to out-of-the-way places where suitable shelter, accomodation, etc. are not available for litigants and lawyers. Then there are various rules about drawing up programmes and sticking to them, and putting them up at headquarters and tahsils, and sending them to vakils and mukhtars' libraries. Pretty well every conceivable thing has been thought of that could make the hearing of cases in camp easy for the litigants.

Rai Bahadur Babu Vikramajit Singh : There are rules of course.

The Hon'ble the Finance Member : My honourable friend probably wishes to suggest that it is one thing to make a rule and another to enforce it. There is a good deal in what he says. But if he will only wait till I have finished he will see that I am coming to that point. If there is any complaint that these rules are not being observed, and I understand that there are, we shall certainly have no hesitation in enforcing them. There are various points to which I should like to refer which have arisen out of the discussion. The first is the question of trying cases within a radius of three miles from the place where officers are camping. Has the honourable member ever taken a pencil and compass and map of his district, and divided it into areas with a three mile radius. If he did so, he would find that quite a number of the centres of such circles are situated miles from any road. I have personal experience of that in settlement works. Settlement officers have to go everywhere, and in many cases there is tremendous difficulty in getting anywhere near the villages which they wish to inspect. I was working on this radius system ; I tried to put my camp in the centre of circles with a five mile radius so that I could work out in all directions. But I found in many places that there was no road at all. I remember once having to wait till the owner had cut his field so that I could take my carts across it. It might cause less trouble to the litigants perhaps, but certainly far more to the pleaders who had to go to these out-of-the-way places, and it is better not to lay down a hard and fast rule about a radius. It is all very well to lay down a five mile radius in London for taxis, but you cannot lay down a three mile radius for bullock carts or *ekkas* in this country. I now come to the amendment. There it is suggested that no case will be taken up in camp except with the consent of the parties. What is going to happen about chalans ? Whose consent is going to be taken ? I doubt very much if the accused would ever give it. I do not think that resolution, in either of the two forms in which it has been moved can be made to work ; but I am

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quite prepared, since there is apparently a feeling that some officers are inconsiderate enough to ignore of these instructions, to send out a circular pointing out that there have been these complaints, and that these rules are meant to be obeyed. That I think would probably meet the mover and the mover of the amendment very much better than any definite attempt to lay down a radius, or a rule that no case will be tried in camp except by consent.

Shaikh Muhammad Habibullah : What about cases hanging on after a certain period—say two months ?

The Hon'ble the Finance Member : Cases like these will be tried by the substitute at headquarters.

Babu Ram Bahadur Saksena : In how many districts have the extra officers to which you made a reference been appointed ?

The Hon'ble the Finance Member : There are no extra officers. Government officers have to do double work for the time.

Babu Ram Bahadur Saksena : Could the Hon'ble the Finance Member tell us in how many districts was such an arrangement made ?

The Hon'ble the Finance Member : That I am afraid I cannot tell, but if they have not, they shall be in future.

Pandit Shri Sadayatan Pande : When I rise now I do so for two reasons. One is to thank the honourable mover. One is to thank the honourable mover and Rai Rajeshwar Prasad who came forward with a very reasonable amendment, with the fact that both are lawyers and both have realized their public duties in this Council and have not thought of their income which they would be losing by asking the Council to agree to a resolution of this sort.

My second point was which Rai Rajeshwar Prasad or the mover himself left out to mention in their speeches, that the judicial work in camp was very small and so by giving effect to this resolution this also will be obviated. Now since the Hon'ble Finance Member has no objection to the acceptance of this resolution it appears to me only necessary that instructions were issued, as desired.

Rai Bahadur Babu Jagadeva Roy : Sir, I rise to show what is actually being done in some of the districts of which I have got some knowledge. I am speaking of those districts of which I have personal knowledge—there they (courts) do not fix the appeal cases in their camp according to their own wishes. But they generally desire to know the views of the parties from their lawyers, and in so doing if they find that the parties are willing that their cases should be taken up near some railway station or some other convenient place, then they fix dates accordingly, otherwise they do not take appeal cases in camp. I know this of at least in two districts. But then, Sir, as regards criminal cases the present practice in those districts has been not to take criminal cases generally in camp. The arrangement is that there are linked officers. Two sub-divisional officers would be going out on tour and two would be remaining at the sadar, thus during the absence of these two officers, the sub-divisional officers at Sadar will not

only do criminal cases of their own sub-divisions but also of the other two sub-divisional officers who have gone on tour. So in this way they are setting up linked officers and their criminal cases generally are not taken up in camp. As regards revenue cases some require to be taken up by their very nature on the spot, for instance, in the disposal of enhancement cases, the determination of rent cases where the inspection will throw a flood of light, so those cases have to be taken up in camp. I find that besides the officers there are lawyers who would like to follow the camp of the officers and so they themselves come forward and want that a few of the cases should be taken up in camp also. This is not really the attitude of the officers themselves that those cases also must be taken up in camp, but because they get a sort of hint in this way and then a few revenue cases are taken up in camp but not generally. So, that is the system which is prevailing at present. My point is that there are instructions to that effect, as has been pointed out by the Hon'ble the Finance Member; but if the honourable mover or some other friends in this House are of opinion that there are a majority of districts where these instructions are not followed, I would say that these instructions should be strictly enforced.

Thakur Rampal Singh : The idea of touring of these officers was probably to make inquiries and to have first-hand knowledge of the villages that they visit. But that is not done now. Generally the period allowed to a touring officer—I mean the sub-divisional officers—is four to six weeks. During that period they have to go round their sub-divisions and they hardly stay for more than two days even at most important villages. That idea is generally not fulfilled. They hardly get any time to make inquiries of any nature. They simply march on. If that idea is to be followed, the touring period should be extended. As for the convenience or inconvenience of the litigants, no doubt the litigants are put to considerable inconvenience and they have to pay very heavily to the vakils. No doubt, there are fixed camping stations, but still camping officers are free to select their own places, change their dates and move on as they please. The result is that when the litigants reach a certain camping station they are told that the officer has gone to such and such a place and they have to march on again. No doubt they get time and their cases are not decided *ex parte*. But in this manner they have to go from place to place. Those good old days are gone when camping officers used to go about with a Bania and other facilities. But now camping officers have to carry their own provisions while visiting small villages. Sometimes these litigants have to go to such places where there is no shop—which is very often the case in small villages—they are put to great inconvenience; they cannot get provisions which they require either for love or for money. The Hon'ble the Finance Member has asked : What will be the fate of chalan cases? But my experience is that already chalan cases are not taken up in camp. Different district officers—I know of some who have issued instructions that chalan cases are not to be tried in camp. I think to reduce the number of days would be really false economy. The

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sub-divisional officers, who knew their sub-divisions much better a few years ago than at present, have to rely about their knowledge.

The Deputy President : We are discussing the question of cases here and not the whole problem of camping. The honourable member should confine his remarks to the subject under discussion.

Thakur Rampal Singh : As regards the remark of my honourable friend Mr. Jagadeva Roy that facilities are provided to vakils by taking up their cases at the railway station or on a pukka road, I beg merely to submit that this is not usually the case. This might have been done in the case of M. L. C. vakils.

Rai Bahadur Babu Jagadeva Roy : This has not been done in one or two cases where the lawyer has happened to be an M. L. C. I said that this was generally the practice. At any rate the honourable member may take it for a fact that I have never made a request of that kind to any court.

Thakur Rampal Singh : It will be very much better if the cases are not taken up at all by touring officers while in camp. They can be taken up after the officers have finished their touring, and when certain officers are touring, they should be taken up by those who are at the headquarters. It is extremely inconvenient for the litigants to go about from place to place, and it undoubtedly puts them to a good deal of expense.

With these few words I support the resolution.

Saiyid Yusuf Ali : It would be surprising when I say that I rise to oppose the resolution. The arguments that have been advanced in support of the resolution appear to me to be only two. One is that the vakils are put to some inconvenience when they are taken to distant places from the railway station or from the road, and the second is that litigants are put to considerable inconvenience and expense. As regards the first point, I submit for the information of the House that recently a practice has developed in the trying courts by which the magistrates discourage the engagement of vakils in such cases. A time may come when the services of vakils may not be altogether required. Therefore the point that vakils will be put to inconvenience when they are taken to distant places need not be seriously considered. As regards the second point that litigants are put to inconvenience, I submit that my friend's resolution might be useful if they are taken within a radius of three miles, when they will not stand in need of any legal help. For these reasons I support the resolution.

Mr. Jafer Hosain : I support the resolution which my honourable friend the member from Pilibhit. There need be any fuss over this resolution. The Member has already stated that he will issue orders in districts where such a practice does not prevail. In such districts an order as he said will be issued that district magistrate should issue a circular to the effect that officers on tour should not take

up cases in camp. As regards petty and unimportant cases, I think that magistrates and sub-divisional officers should be allowed to decide such cases when on tour. In my opinion there can be no objection to the magistrate trying such cases. As regards revenue cases I think it would be on the whole better that sub-divisional officers tried such cases on the spot. It is both convenient to the litigants and more expeditious and therefore I do say that there can be no objection to what the Hon'ble the Finance Member has just said regarding the issue of instructions to the district officers. In view of what has now been promised by the Hon'ble the Finance Member, the honourable mover should withdraw his resolution.

Babu Ram Bahadur Saksena : The Hon'ble the Finance Member has undertaken to issue a circular letter embodying these instructions. I need not, therefore, say anything by way of reply, but I would like to remove a little misunderstanding that has been created in the minds of some honourable members who spoke of facilities to the lawyers provided by the courts and the reference by some honourable speakers to the fact that there is a tendency on the part of magistrates that litigants should not engage pleaders. A perusal of the resolution will show that it is not meant to provide amenities to the lawyers, whether M. L. Cs. or non-M. L. Cs. It is intended to give some relief to the poor litigants. A poor man may be able to engage a lawyer if the case is taken up at sadar, but he has not got enough money to pay a special fee for taking him from headquarters to the place where his case may be taken up in the mofussil. So the question whether amenities are or are not provided for lawyers does not absolutely arise. Regarding the fears of the Hon'ble the Finance Member about chalan cases, one of the honourable members has already said and I also support him that none of the chalan cases in which accused person is in havalat has ever been taken up in camp. It may be in exceptional cases that very unimportant police chalans may be taken up. But it does not happen generally. It is the fate of only those unfortunate complainants who failed to get police patronage, and the accused in those cases, who suffer on account of these tours. I hope the honourable members will be satisfied with the issue of a circular letter.

The Hon'ble the Finance Member : I have not got very much to say. I myself have tried many chalan cases in camp and they used to be the bane of my life. I remember once spending a whole week trying a riot case in camp, near the spot where the crime occurred. I do not think there is really any difference of opinion between my view point and the view point of the honourable mover, indeed of anybody except that of Mr. Yusuf Ali. The general purpose of these rules is that the touring officer should not do more case work in camp than he can help, and that the cases which he *does* do in camp shall be only those which can be most conveniently tried there—conveniently of course, to the parties concerned. It is true that officers are only allowed to tour for six weeks. But the main object of touring in present conditions is to enable an officer to obtain first-hand knowledge of his

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sub-division; and six weeks are certainly not too long a period for that purpose, by itself.

The only thing that I do still object to is this radius of 3 miles. Otherwise I am quite prepared to issue instructions in the sense that I have already stated. It only amounts to following the orders they have got here.

Khan Bahadur Saiyid Jafer Hosain : Do you accept the amended resolution?

The Hon'ble the Finance Member : It is a matter of the consent of the parties. One may like to have the case heard at the headquarters, the other may not. So it will be better to leave the discretion to the magistrate or rather the assistant collector. There is no real difference between our views and I hope that having given that assurance the honourable mover will withdraw his motion.

Shaikh Muhammad Habibullah : Consent of the parties means when both parties agree.

The Hon'ble the Finance Member : Precisely. What is going to happen when one wants it and the other does not—when one consents and the other does not consent?

Shaikh Muhammad Habibullah : It won't be taken up.

The Hon'ble the Finance Member : In that case there will be a lot of heart-burning. However this is a small point. The point I want to make is that there is no real difference between us. I do not want to be committed to anything beyond the assurance that I have already given, that I will see that these instructions are kept and will be carried out. I hope that will satisfy the honourable member.

Babu Ram Bahadur Saksena : In view of the assurance given by the Hon'ble the Finance Member, I beg to withdraw my motion.

The motion was, by leave, withdrawn.

(The Council then adjourned at 4.30 p.m. till Monday, the 20th February, 1933.)

APPENDIX A

(See page 190, *supra*)

Copy of letter no. 6131/30, dated the 2nd December, 1932, from the Registrar, High Court of Judicature at Allahabad, to the Secretary to Government, United Provinces, Judicial (Civil) Department, referred to in reply to starred question no. 7 for 18th February, 1933.

IN reply to G. O. no. 1724/VII—18-1932, dated the 14th November, 1932, I am directed to say that so far as the forms used by judicial courts are concerned, they are printed in Hindi for the use of courts in Kumaun where the court language is Hindi, but as regards the other subordinate civil courts, it is not practicable at present for all such courts to use forms printed in Hindi also. In this connexion I am to point out that in subordinate civil courts, other than those in Kumaun the court language is principally Urdu.

APPENDIX B

(See page 190, *supra*)

Copy of letter no. 3585, dated the 29th November, 1932, from the Registrar, Chief Court of Oudh, Lucknow, to the Secretary to Government, United Provinces, Judicial (Civil) Department, referred to in reply to starred question no. 7 for 18th February, 1933.

WITH reference to your letter no. 1724/VII—18-1932, dated the 14th November, 1932, I am directed to say that under our rules, forms printed in the vernacular, which are sent out to the public (*viz.*, summonses, notices, proclamations, etc.) are printed both in the Urdu and Nagri characters. Litigants have also been given the right to present their petitions to court written either in Urdu or in Nagri characters. But vernacular printed forms for the use of the court officials (*viz.*, forms for recording statements, order sheet, registers, etc.) are in the Urdu characters. In the opinion of the court there will be no gain by printing them in Nagri characters also.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH

Monday, 20th February, 1933

THE Council met at the Council House, Lucknow, at 10-30 a.m.
The Hon'ble Sir Sita Ram in the Chair.

PRESENT (94)

The Hon'ble Mr. E. A. H. Blunt. The Hon'ble Captain Nawab Sir Muhammad Ahmad Sa'id Khan. The Hon'ble Nawab Sir Muhammad Yusuf. The Hon'ble Mr. J. P. Srivastava. Mr. J. M. Clay. Mr. C. St. L. Teyen. Mr. P. Mason. Mr. P. M. Kharegat. Mr. H. A. Lane. Mr. J. R. W. Bennett. Colonel H. R. Nutt. Mr. H. J. Frampton. Rai Bahadur Pandit Suraj Din Bajpai. Khan Bahadur Saiyid Ain-ud-din. Rai Bahadur Babu Phul Chand Mogha. Mr. J. N. L. Sathe. Mr. S. S. L. Dar. Mr. J. Whitehead. Mr. S. T. Hollins. Saiyid Abdul Hasan. Mrs. Kailash Srivastava. Khan Bahadur Maulvi Fasih-ud-din. Mr. H. C. Desanges. Mr. E. Ahmad Shah. Rai Sahib Babu Rama Charana. Mr. Perma. Rai Bahadur Babu Awadh Bihari Lal. Chaudhri Jagarnath. Chaudhri Baldeva. Rai Sahib Sahu Jwala Saran Kothiwalla. Mr. Tappu Ram. Raja Bahadur Kushal Pal Singh. Chaudhri Ram Chandra. Chaudhri Ghasita. Chaudhri Arjuna Singh. Rao Bahadur Thakur Pratap Bhan Singh. Rao Bahadur Thakur Bikram Singh. Rai Sahib Kunwar Dhakan Lal. Thakur Balwant Singh Gahlot. Rai Bahadur Mr. Brij Lal Badhwar. Rai Bahadur Babu Manmohan Sahai. Babu Ram Bahadur Saksena. Babu Kanta Nath. Mr. Brijnandan Lal. Rao Narsingh Rao. Chaudhri Ram Adhin. Mr. Bhonon Ram. Chaudhri Bharos. Raja Sri Krishna Dutt Dube. Rai Bahadur Babu Jagadeva Roy.	Mr. Dahari. Rai Sahib Rajeshwari Prasad. Babu Adya Prasad. Thakur Giriraj Singh. Pandit Prem Ballabh Belwal. Thakur Jang Bahadur Singh Bisht. Sardar Bahadur Thakur Narain Singh Negi. Pandit Brahma Dutt <i>alias</i> Bhaiya Sahib. Rai Bahadur Thakur Hanuman Singh. Rai Bahadur Lal Sheo Pratap Singh. Kunwar Diwakar Prakash Singh. Thakur Muneshwar Bakhsh Singh. Thakur Jaindra Bahadur Singh. Raja Jagdambika Pratap Narayan Singh. Raja Birendra Bikram Singh. Rai Bahadur Kunwar Surendra Pratap Sahi. Mr. C. Y. Chintamani. Mr. Zahur Ahmad. Syed Ali Zaheer. Khan Sahib Muhammad Maqsood Ali Khan. Nawabzada Muhammad Liaquat Ali Khan. Hatiz Muhammad Ibrahim. Mr. Muhammad Rahmat Khan. Khan Bahadur Muhammad Hadiyar Khan. Khan Bahadur Hafiz Hidayat Husain. Khan Bahadur Maulvi Saiyid Habibullah. Khan Bahadur Saiyid Zahid Ali Sabzposh. Khan Bahadur Shaikh Ghulam Husain. Khan Bahadur Hafiz Ghazanfarullah. Khan Bahadur Saiyid Jafar Hosain. Shaikh Afzal-ud-din Hyder. Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan. Khan Bahadur Sardar Muhammad Shakirdad Khan. Khan Sahib Muhammad Imtiaz Ahmad. Shaikh Muhammad Habibullah. Raja Saiyid Ahmad Ali Khan Alvi. Raja Sir Muhammad Ejaz Rasul Khan. Mr. L. M. Medley. Chaudhri Muhammad Ali. Thakur Rampal Singh. Rai Bahadur Kunwar Bisheshwar Dayal Seth. Raja Jagannath Bakhsh Singh. Mr. E. M. Souter Rai Bahadur Babu Vikramajit Singh.
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RESUMPTION OF DISCUSSION ON THE RESOLUTION *re.*
THE EXCISE POLICY OF THE GOVERNMENT.

The Hon'ble the President: There are no questions to-day. We shall resume discussion on the resolution that was moved by Mr. Chintamani at the Naini Tal meeting of the Council on the 14th June, 1932.

The Hon'ble the Minister for Excise): Sir, this resolution was moved by Mr. Chintamani at Naini-Tal and it was postponed on the motion of Khan Bahadur Hafiz Hidayat Husain, who wanted to give Government time to collect the data necessary in order to reply to the resolution. Sir, this data has been collected as far as possible. The period for which the data has been collected is not a long one or a very representative one. It is only for the months, May to December. We have summarized the data and placed these figures before the members in a printed statement. Sir, before I deal with the data I would like to refer to Mr. Chintamani's speech made at Naini Tal. Sir, whenever Mr. Chintamani makes a speech I begin to quake in my shoes. I admit at once that I am not capable of using the same language and the same kind of arguments as he does. I have gone through his speech very very carefully several times and I am obliged to confess that I do not understand what is his quarrel with us. He has blamed us for changing the so-called excise policy of the Government. Sir, I state with all the emphasis at my command that we have made no change in the excise policy of the Government. The excise policy to-day is exactly the same as was enunciated by Mr. Chintamani when he was Minister for Excise. We have not departed one hair's breadth from that policy. Mr. Chintamani's speech is full of quotations from the utterances and speeches of former Excise Commissioners, Excise Secretaries and Excise Ministers. I think he has gone to the trouble of quoting not less than eighteen authorities on the subject. I will not deal with them separately as no useful purpose will be served, and so, Sir, I will only refer to the general argument advanced by Mr. Chintamani in support of which he has quoted all these authorities. He has in the main said that all the people to whom he has referred were greatly impressed with the advantages of the surcharge system. Sir, the auction system was not a matter of policy. It has never been stated so far that the Government is committed to the auction system of the sale of liquor shops as a matter of policy. The Excise Commissioner, when replying to this debate in Naini Tal, gave this Council extracts from the Excise Manual where the policy of Government is laid down. The policy has always been to minimize temptation to those who do not consume excisable articles and to discourage excess on the part of those who do. In the case of liquor it has been laid down that the most effective method of furthering this policy is to raise taxation to the highest point possible without stimulating illicit production and without driving people to substitute deleterious drugs for alcohol or a more for a less harmful form of liquor. Sir, Mr. Chintamani himself stated before the Council that the policy of the Government was minimum of consumption with the maximum of revenue.

Mr. C. Y. Chintamani: Where did I say that? Will the Hon'ble the Minister quote what I said?

The Hon'ble the Minister for Excise: I will do so later on. I have sent for the proceedings. Mr. Chintamani must remember that he did not want to accept total abstinence during his regime. He wanted the sale of country liquor to continue. If the drink evil is so harmful as it is made out, I should have thought that Mr. Chintamani would not have accepted at that time any method which sought to perpetuate the sale of liquor. I believe this matter has been discussed in the Council before and Mr. Chintamani has always stood for the present policy and not for total abstinence.

Mr. C. Y. Chintamani: Not for the present policy.

The Hon'ble the Minister for Excise: Well, Sir, there is a difference in the way in which we look at things. I would not argue the point. I say again that I have always been loyal and faithful to my worthy predecessor in the matter of this policy. I really do not understand what a double dose of sin we have committed. Standing here I feel more like a prisoner in the dock.

Mr. C. Y. Chintamani: Hear, hear.

The Hon'ble the Minister for Excise: I have been subjected to criticisms of every character, to abuses and . . .

Mr. C. Y. Chintamani: No.

The Hon'ble the Minister for Excise: to vilification and I do not understand what I have done to deserve them. There has been an incessant propaganda carried on and I would very much like the Council to decide today by its vote whether I have really been guilty of the charges which have been made against me. Sir, all that we have done is to change the system under which these sales of shops used to be made. We had evidence in our possession which showed very clearly that we were losing revenue without getting any gain to the cause of temperance and I felt it my duty to stop the drain. If the money were going towards the promotion of temperance, if I were convinced that the cause of temperance would be affected by the reversion to the auction system, I should certainly not have taken the step which I did. Sir, I wish to explain to the Council that the surcharge system is a system which is extremely irrational and easily lends itself to abuses of various descriptions. Before I go on further with this matter, I wish to inform the House that I have now got the speech of Mr. Chintamani which was delivered on the 14th March, 1921, in which he said that he had appointed a committee to make recommendations the carrying out of which would better promote the Government's policy of securing the minimum of consumption with the maximum of revenue. That was the policy to which he stood committed in 1921.

Sir, reverting to the surcharge system, the Council must know that it is an extremely complicated system and I would be very surprised indeed if there be half a dozen members of the Council who can speak with authority as to the intricacies of that system. I have myself been for the last one year trying to understand it. I cannot say that I know it fully even now, but I will briefly describe to the Council what the system is. According to this system the

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license fee for any month is fixed after the close of the month on the basis of the quantity of liquor consumed during the month. The scale of fee is graduated so that this rate increases as the consumption goes up. Thus the amount of the profit of the vendor decreases as the quantity consumed increases, and so in theory he has less temptation to push sales. The price at which the vendor is bound to sell liquor to the consumers is also fixed by Government, but there is no well-defined principle on the basis of which the retail price can be fixed or the rate of surcharge fees to be levied can be determined. Sir, the system has had a fair trial for 10 years. I am aware that a great deal was expected of it. I quite agree with the sincerity of those who have spoken in the past in favour of it. They did not at that time know the exact extent of the evils which would result from that system. It is no argument to my mind to say that because the surcharge system was found to be working satisfactorily six years ago by one of my colleagues here that it is still continuing to be satisfactory. Things in this world change every day. America believed some time ago that prohibition was the best thing in the world. We read in the papers three days ago that its Senate has reversed that decision. So, Sir, the entire weight of Mr. Chintamani's argument is derived from the opinions expressed by people in the past, people whom Mr. Chintamani described as officials sitting on this side of the House. Well, they were perhaps perfectly right at that time. The evil of illicit distillation had not reached that alarming extent at that time as it has today. There have been various contributory causes, of course. It is, therefore no argument in the face of the definite facts and figures that we have today to say that the surcharge system should be carried on simply because people in authority approved of it in the past. Sir, this very largely disposes of Mr. Chintamani's speech and his main line of attack. He said that the change from the surcharge system to the auction system was introduced by the Government surreptitiously, that we kept the whole thing a great secret and then suddenly introduced it without consulting the Council. I have got his exact words here. He says: "But officially, formally and openly mum has been the policy of Government so far as this change in excise policy goes. I would like honourable members to say whether they can approve and appreciate a method of action which ignores the existence of the Council and the public whom the Council represents and reverses a policy and introduces measures in this illicit manner." Well, Sir, I beg to submit that this is a charge which is not justified if we take the facts into account. We have never made a secret of the thing. The matter was discussed at two, if not three, meetings of the Excise Advisory Board on which there are at least six members of this Council, and we adopted the policy as a result of the unanimous decision of that body. Mr. Chintamani must recognize, and the House knows it, that in all matters of this description the Excise Advisory Board is the body which the Government consults and is bound to consult. We would certainly have told the Council of the change that we had made; but I do not know how Mr. Chintamani takes us to task for not having taken the permission of the Council before we introduced the change when he knows perfectly well that in matters like this the Council

has never been consulted before. Will he say whether he consulted the Council when he made the change from the auction system to the surcharge system? There is no resolution of the Council binding us to this system or that system. Had he taken a mandate from the Council to change the auction system and substitute the surcharge system? Sir, so far as I have been able to find out, it was done by a stroke of Mr. Chintamani's pen. There was a Government resolution issued as a result of the report of the Inquiry Committee, and the deed was done.

Well, Sir, might I not say with some force that equally mum was the policy of Mr. Chintamani in those days? Well, Sir, I had every intention of bringing up this matter in the course of the debate on the Excise budget in the Council last year, but unfortunately the Excise Demand was voted without discussion. But frankly I did not realize that it was necessary for me to take the orders of the Council before introducing the change. So there has been no breach of faith on my part at all in that matter. I simply followed Mr. Chintamani's excellent example.

Well, Sir, the results of the eight months' trial with the auction system are given in the *statement which is placed on the table of all honourable members. I would briefly refer to these and explain to the House their exact implications. Sir, as I stated in the beginning of my speech, these figures relate to the period, May to December, and we have taken for purposes of comparison the figures relating to the same period of the previous year. These figures show that consumption has gone up in the auction area by 74 per cent. But, Sir, a striking feature is that the consumption has also gone up in the surcharge area and that by 66 per cent., so that if there has been any real increase which can be ascribed to the auction system, that is only 8 per cent. Now, looking to the figures of revenue, it will be seen that there has been an increase in revenue by 63 per cent. in the auction area, as against only 13 per cent. in the surcharge area. Honourable members will see that whereas there has been an increase of 66 per cent. of consumption in the surcharge area, there has been an increase of only 13 per cent. in the revenue. This is an indication that there is something wrong with the system. Sir, the revenue is composed of two things—duty and the licence fees. The revenue from duty has gone up in the auction area by 29 per cent. and in the surcharge area by 24 per cent. That is all right: that is in keeping with the figures of consumption in each area. Now, Sir, if we look to the figures of licence fees in these areas, we will find that in the auction area the licence fees have gone up by 142 per cent, but the licence fees in the surcharge area have *gone down* by 12 per cent. I do not think, Sir, any further explanation is needed from me to show that there is something very wrong with the surcharge system. It is an irrational system and under it revenue is unnecessarily sacrificed. Secondly, it shows also that the money was going into the pockets of the contractors. If they have been able to make bids in auctions, which has given us an increase of 142 per cent. in the licence fees, it shows conclusively to my mind that under the surcharge system we were simply letting this money go into their pockets.

* See Appendix.

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The next item in this statement relates to the offences against excise laws connected with illicit distillation. Sir, it will be seen that in the auction area the number of excise offences detected during this year have exceeded those detected during the previous year by 45 per cent., or nearly 500 odd cases. Sir, it may be safely presumed that all these 500 stills were working in the preceding year (1931—32) as a majority of these cases were detected this year on the information given by the new country liquor vendors. Calculating roughly, the probable price of illicit liquor that they might have distilled in eight months amounts to Rs. 1,25,000. Five hundred of these country stills working during eight months can quite easily produce that much of liquor. It will be seen that for the auction area the total consumption of duty paid liquor during this year 1932—33 was $1\frac{1}{2}$ lakh gallons. In the previous year it was 72,000 gallons. This, to my mind, is a very conclusive evidence of the extent to which illicit liquor had replaced the licit article. We all know, too, that for every single case of illicit distillation detected, 10 cases go undetected. Of course, the honourable mover of this resolution will say that this ought to be stopped by vigorous administrative action. Whatever these words "vigorous administrative action" mean, there are limits to the capacity of even the most vigorous of administrators. Mr. Chintamani himself remembers that in 1922—23 the then Excise Commissioner, Mr. Gibb, drew his attention to the evil of illicit distillation which was then just starting. It could have been at that time nipped in the bud, but today it has advanced so far that even a large extension of our existing staff is not likely to stop it or to eradicate it. The reasons are not far to seek. There is so much margin of profit between the price of the illicit liquor and the licit article—the duty paid liquor—that a great many things are possible. Mr. Chintamani's whole argument has taken it for granted that the figures of the duty paid liquor represent the total consumption of liquor in the province. I say with all the emphasis at my command that this is not so. We are convinced that the total consumption of liquor in the province consists very largely of illicitly distilled liquor plus a comparatively small quantity of the duty paid liquor. Mr. Chintamani has produced no figures or facts to show that this is not so. He merely takes it for granted that the consumption of liquor is represented wholly and solely by the figures of duty paid liquor sold in the province. I submit, Sir, that this is a very fallacious way of arriving at any conclusions. Mr. Chintamani must also be aware that the substitution of the duty paid liquor by illicit liquor is more detrimental to the health of the people than even a reasonable increase of consumption of the real article. Illicit liquor is a very deleterious substance: it consists of so many ingredients which are poisonous and more toxic. This is an established fact. Then, Sir, when a man takes to illicit liquor, he drinks much larger quantities than what he would do if he were habituated to the duty paid liquor. When a man goes to buy illicit liquor, he is tempted to purchase a supply which would last him for some time, because he does not want to run the risk of detection every day. Then, Sir, the illicit liquor is far cheaper, so that his investment in illicit liquor will be nothing like what it would be if he confined himself to duty paid liquor.

My entire case here is that we have by this change of method not departed from the principle which has been accepted by Government in the past. We have, in fact, tried to reduce the total consumption of liquor by cutting out the illicit supply, and we have thereby promoted the cause of temperance. Unless Mr. Chintamani can establish here that the total consumption of liquor has increased, I do not think that he can lay at our doors the blame that we have sacrificed the cause of temperance. Sir, I have here another very significant fact, to which I would like to refer. I have here the figures of consumption of duty paid liquor for various towns of the province during 1931-32 for the entire year. These figures give one furiously to think. Take a place like Cawnpore with a population of 219,000. The majority of that population consists of mill workers and I know from my own knowledge that a very large proportion of these drink. After a day's work in the mill they like to have a little refreshment and you cannot blame them for it. Then against this we have Jhansi with a population of 64,000 where it is believed that the drink habit is not prevalent. The figures of consumption, however, show that Cawnpore sold 6,000 gallons of duty paid liquor in that year, whereas Jhansi sold 7,141 gallons. I do not know myself how to explain this. We can only draw our conclusions. I am not going to take the Council's time in going through the whole of this statement, but if any member of the Council wants to have a look at it, I shall be very glad to show it to him. I will only refer to one more case. Benares, with a population of 201,000, shows a consumption of 5,000 gallons and Gorakhpur, with a population of 59,000, shows a consumption of 5,600 gallons. Sir, to my mind there can be no manner of doubt that specially in bigger cities illicit distillation is so rampant and so rife that we do not need to give any further thought to the matter. We have now the result of this eight months' experiment. I have had various inquiries made and I can say that I have not received one single complaint to show that drunkenness has increased anywhere. I have kept a very careful watch on the workers of my mill in Cawnpore. I thought I could take them as representing those who are given to drink and see whether the change in the methods of Government has resulted in their consuming more liquor. I can say honestly that this is not the case. There is certainly less of disorderliness amongst them. There is no sign of their habits having deteriorated. Sir, I do not think that a great deal more argument is needed from me to show that what we have done has not been with the purpose of promoting intemperance. In fact, as a Minister responsible to this House, the line of least resistance for me would have been not to bother my head about a matter like this. It does not benefit me personally in any way, but I had to consider what was my plain duty in the matter and I obeyed the dictates of that duty. I knew that money was being wasted in these hard days when you want every pice that you can get hold of. All that I did is to save that money for the province and I want the Council to judge the issue on that ground. Sir, I always take my hat off to Mr. Chintamani. He is a pastmaster in dialectics, in parliamentary tactics and in propaganda. I could never hope to imitate him, much less to vie with him. But, Sir, I am sure the Council will not be led away by

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the comparatively harmless appearance of this resolution. It is a very vital resolution. It is a criticism of the methods which we as Government have deliberately adopted and I would beg of the Council to consider very carefully the far-reaching character of Mr. Chintamani's resolution. To my Muslim friends I would turn and ask whether they consider that by voting for Mr. Chintamani's resolution they would be doing something which their religion enjoins. The resolution is not a resolution in favour of total abstinence or prohibition. So far the Council has never laid it down that the supply of liquor is to be regulated on certain lines. This resolution definitely lays it down now that sales of liquor have to be regulated on certain lines. I could understand that if it was a question of prohibition on the one hand, the continuance of the system under which Government derives revenue from liquor shops, on the other, it would affect Muslims. The most Mr. Chintamani can claim for his resolution is that perhaps in place of one bottle a day of liquor which a man drinks he would be drinking less. It is equally bad according to the Muslim religion whether one drinks one bottle or a drop. It has really no religious aspect at all. That is at least the way in which I look at it. I hope my Muslim friends will tell me if I am in the wrong. All that I am doing is to stop the supply of illicit liquor and to control the existing system.

Sir, I have dealt with most of the points contained in Mr. Chintamani's speech. If I have missed any, I will deal with them in my concluding speech. I would, however, just refer to the fact that almost all the provinces in India have gone back to the auction system. Honourable members must have seen in the papers recently that the Bihar Council have adopted the auction system mainly for the purpose of increasing their revenue. We are not doing it with that object here. Other provinces have also adopted the auction system. In this matter Madras has always led the way. The prosperity and advancement of Madras is very largely due to five crores of excise revenue—that tainted money that they make out of excise there. We are doing here nothing so blatant, nothing so bad. I believe 30 per cent. of the total revenue of Madras is from excise.

Sir, it will be seen from the statement that is before the House that there has been increase of revenue in eight months in both the auction and the surcharge areas, amounting to very nearly 9½ lakhs over the figures of the same period of the previous year. We hope that if we extend the auction system to the whole province, there may be an increase of revenue amounting to very nearly 25 lakhs without harming the cause of temperance to any appreciable extent. Well, it is for this House to consider whether they can afford to lose this much of money in these hard days when the loss is serving no useful purpose whatever. We have the questions of remissions of revenue, we have the questions of increased requirements of the nation-building departments and various other important requirements, and unless the budget is balanced there can be no hope of getting money for much-needed expenditure. When I say this I do not mean that we should be regardless of the requirements of temperance or that we should make money out of liquor or out of other

excisable articles, but I do submit that we cannot afford to lose so much as 25 lakhs in these hard days.

Sir, Mr. Chintamani's resolution consists of four parts. Our opposition is to parts (i) and (iv). We have no objection to parts (ii) and (iii). In fact what Mr. Chintamani has recommended in these two parts we have already been doing. In short we object to reverting to the surcharge system now that we have shown that the system is an irrational one and that by employing it we have been losing such a great deal of much wanted revenue, and losing it needlessly.

Sir, I would refer to one more point, which is perhaps pertinent to today's debate. So far we had tried to force temperance on the province by making it more difficult to obtain the supply of liquor. We had not done any direct propaganda work in order to encourage temperance, in order to tell people that it is not a good thing for them to drink. I think that that has been a great omission in the past and I realized the urgent necessity of embarking on this work even now. We have therefore, Sir, started temperance propaganda in the province for which we have allotted Rs. 6,000 during the current year and we have a provision of Rs. 15,000 in the next year's budget. The work already done has been very useful. About 262 temperance meetings have been held all over the province by associations, officials and non-official workers. Temperance badges and buttons have been purchased and supplied to temperance associations. Temperance slides have been purchased from America and shown through magic lanterns. Articles and extracts from speeches on temperance have been regularly appearing in the *Weekly Review* published by the Publicity department. The same department is responsible for bringing out other temperance literature, specimens of which were placed on the tables of honourable members yesterday, namely the book brought out by that department under the name of "Temperance Manual" which is printed both in Hindi and in Urdu. Sir, I hope I have been able to convince the House in some little degree that what we have done was not against the accepted policy of the Government in excise matters. We have only removed certain evils and we do not wish to depart from that policy at all. Mr. Chintamani wound up his speech in Naini Tal by saying that every vote that would be given for this resolution would show whether it was a vote for drink or for sobriety. I do hold Sir that every vote that will be given in favour of my contention will be a vote for sobriety.

Khan Bahadur Maulvi Fasih-ud-din : Sir, it goes without saying that drink is an evil and a curse. A man generally begins to drink in order to enjoy himself and to get somewhat hilarious. As a poet says in a vernacular poem—If you place a wine cup before me then you will see my flowery talk. But it is our painful experience that when a man begins to drink, and especially an ignorant and illiterate villager who has absolutely no thought for the future and who has not got sufficiently the strong will to control his passions and his desire he gradually becomes a drunkard and he does not see the line which distinguishes between drink and sobriety. It is for this reason that drink is most objectionable from the point of view of the millions who inhabit the

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rural areas. A villager goes on drinking and drinking and he does not care to give it up by persuasion and by poverty or by any other reasons, even if he goes about in ragged clothes, even if he starves and even if he dies he will not give up drinking. It is for this reason Sir that I think that the system that is now obtaining in these provinces ought to be given up altogether. It is very difficult even for an educated man to give up the habit of drinking if he once takes it up, not to speak of the ignorant and weak-minded villager. A poet describes this weakness of humanity in a very beautiful couplet. He says (Persian couplet):

دیروز بیک توبہ دو صد جام شکستیم * امروز بیک جام دو صد توبہ شکستیم

That is, yesterday I broke 200 cups of wine by one vow, and today I broke 200 vows by one cup of wine. Another Urdu poet expressed this very idea even in a more beautiful manner. He says that (Vernacular couplet):

نشہ میں ہمنے کرا لی توبہ * ایسی بھول الہی توبہ

That is, I took vow to abstain from drinking when I was intoxicated. I committed a foolish mistake in doing so and God save me from such a mistake.

So, Sir, I say that there is absolutely no half-way house, at least in the case of villagers, between what is called drunkenness and what is called total abstinence, and I do not agree with those who think that our aim is to ensure sobriety and temperance. I think to run after sobriety or temperance is to have a wild goose chase, and it is hopeless to expect that at least in the rural areas, and even in the urban areas in the case of weak-minded persons, we can ever succeed in getting people to be temperate in drink. I remember some years ago our Home Member, who was then holding the ministerial portfolio for excise, gave it out on the floor of this Council that the goal of the United Provinces Government was total abstinence, and a few days after this declaration of his he had to take up the present portfolio. I am afraid that that statement of his was thrown into the pigeon-hole of the Secretariat shelves by his successors and by the successive Excise Commissioners, because we do not find that the Government took any action on the basis of that statement, and these officers seem to have acted like Muhammad Shah, one of the Moghul Emperors of Delhi who was enjoying a boating excursion one night when he received a message from his Governor to the effect that Nadir Shah with his troops was coming near the gate of Delhi. When he read that letter, he exclaimed, "Let this meaningless document be drowned in the cup of sparkling wine." I am afraid that the successors of the Hon'ble and pious Nawab Sahib did exactly the same in connection with that statement of his. I think that the Government has only acted on the policy which has just been enunciated by the Hon'ble the Minister of Excise, namely, minimum of consumption and the maximum of revenue, a policy which, I think, looks rather absurd on the face of it. I do admit that the Government has been trying to decrease the number of shops and also to put obstacles in the way of purchasing liquor in more ways than one. I notice from the last annual report on Excise that in 1912-13 each shop used to serve an area of 20 and odd square miles and a population of about 11,000

men, and in 1931-32 the area which was commanded by each shop rose to 44 square miles and the population which it served rose to about 21,000. Thus it appears that each shop now serves almost double the area and double the number of people that it used to do about twenty years ago. But I am afraid that the policy of the Government which was announced by the Hon'ble Nawab Sahib of Chhatari has not at all been followed and that it was most scrupulously ignored. As a Muslim I think that temperance and drunkenness both are equally bad, and I will not support any of these proposals. I honestly believe that there is no line of distinction at least so far as the ignorant and illiterate villagers are concerned between drunkenness and sobriety or temperance. The use of the word "sobriety" is only for the justification of those who do drink themselves and who do not admit that they are drunkards. I remember that there was an Opium Officer—an Indian—who used to live in my neighbourhood when I was in service. He used to tell me that he was an active member of the temperance society, and to my great astonishment one day when I happened to go to him at 9 o'clock at night I found that he was drunk. Next morning I asked him as to how he was a member of the temperance society. He said that he was very sober and that he was temperate, because he did not allow himself to be drunk on public roads or to lie insensible in drains like the ordinary people. He used to drink to his heart's content inside his dining room, and so he was temperate. That was his idea of temperance. I think that various kinds of people have got various ideas about the moderation of drink. The poet Ghalib describes sobriety and temperance in his own way. He says.

غالب چھٹی شراب پر اب بھی کبھی کبھی * پی لیتا ہوں روز ابر شب مہتاب میں

He says, "Oh, Ghalib, I have given up drink, but still I take it on the cloudy days and during moonlight nights." That was his idea of sobriety and temperance. It means that one ought to take liquor at least in the first twenty days of every month when the moon is shining or during the whole of the rainy season. I submit this in order to show to you that various people have got various ideas of temperance and sobriety. No one has ever been able to define what moderation is, what quantity of liquor one should take, and how much in a day or in a month or in a year. This is therefore a very chimerical idea about sobriety, and I think that Government should now come forward and declare most openly and frankly whether the Government is willing to follow the statement of the Hon'ble Nawab Sahib of Chhatari that its aim is not temperance, but total abstinence, and unless this is done, I do not think that the Government will satisfy the feelings of the Muslim community at least. I have explained this fact in order to assure the Hon'ble the Minister that we adhere to the idea that we expressed in the Council more than once on previous occasions. He has practically invited us to give our views and I have done so, and I hope that all my Muslim colleagues will agree with me on this point.

Now coming to the issue as to whether the surcharge system or the auction system is better, Mr. Chintamani has waxed eloquence on the advantages of the surcharge system, and this morning we have

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found the Hon'ble the Minister calling it as irrational, and so on. I have heard both the speakers very attentively and I have come to the conclusion that I dislike both systems. I say, Sir, "*Bar kudu-o-turai har do lanat*", i. e. I condemn both the pumpkin and the cucumber. The fact of the matter is, from what I have heard, that both the systems bring in increased and increasing consumption of liquor, while the auction system brings in more revenue to the Government than the surcharge system. The result about the consumption is just the same. There is a slight decrease, I find, in the consumption under the surcharge system, a decrease of 8. But that decrease is accounted for by the large increase in illicit manufacture, and my own opinion is that the surcharge system results in as much consumption or even more than the other system. The only difference is that one system brings in more money to the Government than the other system, and that is, to my mind, the plain truth of the whole thing. I believe that the only way out of the difficulty for the Government is to have temperance societies, or rather societies for total abstinence, as has been suggested by the Hon'ble the Minister. It is not by any schemes or speeches on the floor of this House that we can make people teetotallers or even temperate. It is by social reform, it is by personal examples, and it is by self-sacrifice that we can bring them round and make them mend their habits. If the habit remains ingrained in their minds, then you can have any kind of system you will not be able to prevent them from drinking or from not becoming drunkards. Drink is a human weakness and that weakness can be cured in more ways than one, not by various systems, this system or that system. I do sympathize with the Hon'ble the Minister when he says that revenue increases under the auction system, and the tenor of his speech shows that while the consumption does not decrease by the surcharge system it decreases the revenue of the Government. This is all right, and I think I do agree with him in that respect. But I should expect much more than this from him and I expect him to announce in his reply whether he does or does not follow the policy which was declared by the Hon'ble Nawab Sahib of Chhatari about the goal of the Government being total abstinence.

Hafiz Muhammad Ibrahim : On account of my absence from this House I could only hear a part of the speech which was made today by the Hon'ble the Minister for Excise. From what I have heard I have formed the opinion that he asserts that there has been no change of policy on the part of the Government and they are still sticking to the policy that they have been incessantly following and the change which was introduced last year, that is the reversion to the auction system, does not indicate that the Government have made any change in their policy. Another thing that I understood from his speech is that he said that the policy hitherto followed by the Government had been to minimize the chances for those who do not drink and to make as much revenue as possible out of the sale of liquor. He said, I speak subject to correction, that total abstinence has never been the policy of this Government. As to this contention I will speak something at the outset and remind this House what has been the policy of this

Government and what was the verdict passed by the Council of the United Provinces. There might have occurred something before 1927 when I was not a member of this House, but when I came to the Council I moved a resolution in the month of January, 1927. That resolution recommended that prohibition should be the policy and goal of the excise activity of this Government. Here I will be excused if I say that I am a prohibitionist, not only because I am a Musalman and my religion forbids the use of any drink, but I am a prohibitionist on account of the medical and economic grounds which clearly indicate that the drink evil mars the efficiency of a nation and is injurious to the health of man. Today I do not propose to discuss this phase of the question before this House, but come to that very thing which I was saying that I moved a resolution recommending that prohibition should be adopted as the excise policy of these Provinces. Dr. Shafa'at Ahmad Khan proposed an amendment to that resolution and the words "total abstinence were sought by him to be substituted for the word "prohibition." Those words were accepted by the House and my resolution in its amended form was adopted. So, Sir, I conclude that in the year 1927, if not before, the Council of the United Provinces passed a verdict in favour of total abstinence. If it is true that the Excise Department is a transferred department and the resolutions passed by the Council are binding, at least so far as transferred departments are concerned, I submit that one will be quite right in assuming that since then the policy of the Government has been to promote by every means in their hands the cause of total abstinence. Sir, when our present Excise Commissioner made his speech in the Council at Naini Tal last time when we were discussing this subject, he said that it was not he who was connected or concerned with the policy of the Government. For him the guide was the Excise Manual and there was something which was read out by him in the Manual which indicated that minimum consumption and maximum revenue were the policy of the Government, and that was all with which he was concerned. Sir, I submit today that this attitude on his part was an erroneous one and as head of the department he is expected to carry out that policy which is carved out for the Hon'ble the Minister by this House. Now, Sir, to show that the verdict of the House was accepted by the Government also, I will mention one thing and I think that all of us will regret that such a thing should have occurred, as I am going to narrate before this House today something by way of complaint. In the year 1928 a Bill for local option was prepared by the Government and it was put before the Excise Board of which I was also a member at that time and I have the honour to be a member of that board still. I was one of those who considered that Bill and made certain amendments in the provisions of that Bill. We gave that Bill a final shape as far as the Excise Board was concerned. It was expected at that time that in any of the sessions of the Council following that meeting of the Board that Bill would be introduced by Government. But instead of being introduced, an assurance was given to the members by putting leaflets on the tables mentioning therein that Government were very shortly going to put that Bill before the Council. We are now in the year 1933. That Bill has not been introduced as yet, although five years at least have

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rolled away since then. In spite of this the Government affirm today before us that they have been diligently and without any departure following a policy which is consistent with the verdict of the House. Some time after there were certain questions tabled by the honourable members of the Council, but in vain. I myself in one of the debates on the budget of excise drew the attention of the Government, and made an inquiry from the Hon'ble the Minister for Excise when Government were going to bring that Bill before the Legislative Council. But I am sorry to say that no answer whatever was given to that inquiry of mine. Not a single word was said in reply to that. Sir, this I take as an example which indicates that Government are not for sobriety and temperance, but, on the other hand, their actions indicate that they are for the increase of liquor consumption, and they try to make as much money as they can out of the Excise Department. The Hon'ble the Minister for Excise denies it by shaking his head. Had it not been so I think Government would have very soon after the preparation of that Bill brought it before us. The neighbouring provinces have enforced local option long before: the Punjab has got it: other provinces have also got it, but the United Provinces, in spite of the preparation of a Local Option Bill, has not the good luck of having it till now. If we really want to go into this matter by public opinion, if Government really try and intend to carry out the wishes of this House in matters of excise, I think it is quite up to them to ascertain the opinion of the localities and to give them a chance to show how far and which of them are in favour and which of them are against this evil of drink. I do not propose to speak at this time on the merits or demerits of local option, because I understand that the merits of this measure have been accepted everywhere. When we know that the Government of these provinces were going to put forward a Bill for that purpose before us, I think there is no room for any dispute, but if that measure by this time has not been introduced, I think it is quite enough to indicate that the word and deed of Government are inconsistent. Another thing, Sir, which was said by the Hon'ble the Minister for Excise to indicate his bona fides was that last year they were kind enough to give a grant of Rs.6,000 to be spent on propaganda for temperance in these Provinces and we are informed by him that in the next budget they are going to grant Rs.15,000 for that purpose. Well, Sir, there was a committee, rather a sub-committee, named excise sub-committee, formed by the Government. I fortunately was also selected as its member. I worked on that committee. I attached a note of dissent to the report which was made by that committee. That note of dissent was meant to show that I agreed to certain proposals which were made by that committee simply because I was acting on the principle at that time that it is better to have something than to have nothing. I said in that report that I did not expect the Government of this Province to adopt the right policy in the matter. If they will do anything it will be done by them half-heartedly. When they do anything they do simply to justify, when occasion arises, their policy and to show that they have been trying to check the drink habit. On what will this money be spent? Propaganda, and this propaganda will be made by means of certain lecturers, by the addition of

certain lessons in text books, by the distribution of certain leaflets, by giving some aid to some committees or societies that may be working in the country for the purpose of checking the drink evil. None of these things can create that effect which is in view. If anybody agrees to the adoption of the policy that we may continue to make money out of the sale of drinks, it does not mean that he agrees to the perpetuation of this evil. He does so simply in the expectation that the Government will do all that lies in their power to do to eradicate this evil as soon as they can. This agreement, this consent, is not meant to give the Government a licence to continue this evil for centuries. If this submission of mine is correct that if we agree, we agree with this purpose, then we are entitled to judge everything done by the Government from the point of view as to how far has the real purpose been achieved. If the drink evil is going on today with as much vigour and speed as it used to do in the pre-reformed days, then, Sir, I submit that everything which is said by the Government to have been done can be taken to have produced no effect whatsoever, and perhaps I may be justified in saying that the Government have been deliberately trying to avoid everything which could produce the desired effect under the pretence of checking the rise of other evils, under the pretence that there may be no illicit distillation, there may be no rise in the excise offences and there may be no rise in some other things that are so constantly spoken of by the officials. This is a very old excuse. Whenever this question has been discussed by us, the Government members have always come before us with figures. They have tried to confront every reasonable ground alleged in support of total abstinence or sobriety by a misguided argument; they have always said that if this thing will be done, there will be a rise in the offences relating to excise; there will be rise in illicit distillation. I have never been able to understand the logic of this contention of the officials. Do they mean to say that one should never try to eradicate an evil because other evils may grow up? Is it not a fact that in spite of the police, in spite of the statutory prohibition, we have been finding that so many evils like theft, robbery and others are going on? Has this reason ever been advanced against any of those sections of the Indian Penal Code which prescribe that certain acts done by men are crimes and they will be punished for them? If there is a tendency among men to substitute evil for evil, then I think it is always wrong to make any attempt at reform. At the same time why should Government make themselves illogical and inconsistent by following and pursuing a policy which, they say, is meant for the purpose of creating sobriety among men? We should not do anything like that. On the other hand, if it is admitted that drinking is an evil and if that is to be eradicated, then why should we adopt such half-hearted measures, why should we do what we have been doing up till now in spite of our knowledge that what we have done is nothing, it has achieved no purpose and has been of no use at all? The Government always connect the question of finances with this question, I mean with the excise policy. Today also it dropped from the lips of the Hon'ble the Minister for Excise and Education that if in these hard times we lost so much income as is derived from the Excise Department of this

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Government (he might have used any words, but I take him to mean that) it would be calamitous for the Government—it will be injurious. Sir, there are two things to be compared. Either kill the people of these Provinces, let all humanity extinguish from the face of this part of the country which is called the United Provinces, or forego this excise income which is utilized for purposes which will not, I think, be relevant to be discussed during this debate. For what purposes you want money and how much money you require for keeping the State as efficient as it ought to be? That is a question, but that question I do not propose to discuss today. Taking the worst case that on the one hand you will lose certain activities and certain useful things existing at present and financed, so to say, from the excise income, will you not, on the other hand, be freed from the evil of drink? Which of these two things is preferable and what should we do if we have this choice before us? Sir, as far as I am concerned and I think not I alone but everybody who is outside this House, will pass a verdict in favour of what I am saying . . .

Shaikh Muhammad Habibullah : No.

Hafiz Muhammad Ibrahim : One of the honourable members of this House, Shaikh Muhammad Habibullah, says “no”. Sir, I was not discussing the question on religious lines, but . . .

Shaikh Muhammad Habibullah : I did not say it on religious lines.

Hafiz Muhammad Ibrahim : What I am going to say will indicate why I used this word. The remark of the honourable member has, Sir, compelled me to bring in that subject also, but I will say only one or two sentences about it. As far as Shaikh Habibullah himself is concerned, I know and I can assert before this House as strongly as anyone else can that in his heart of hearts he is as much against the introduction, prevalence and upkeep of the evil of drink as I am. He is after all a Musalman and no Musalman can fail to pass a verdict in favour of the proposition which is now before this House. No Musalman shall, for a single moment, support the continuance of this evil. It may serve many useful purposes in the eyes of Englishmen and in the eyes of Hindus, but, as far as a Musalman is concerned, he shall never agree to the prevalence and continuance of the drink habit whatever arguments in its favour may be put before him. But in this House the honourable member utters “no” simply because he wants to say something against me.

I was speaking about the question of finances. What is the effect which will be produced by curtailing the income derived from the excise duty? That is one of the contentions that is very often put forward before us by the official side. I have answered it and I again make it clear that we should be prepared to lose every pie, but if you look from the right point of view at the matter, then I submit that by extinguishing this evil out of the people you will be adding so much vitality and vigour to your nation that instead of one income which is at present derived from excise we will have many openings for the purposes of deriving income. Sir, there is a book lying there on my table. I did not bring it here to this rostrum as I did not want to take the time of this honourable House by

reading passages and quoting authorities in support of what I am alleging today. Those subjects are well trodden and everybody knows them. I take it that every one of us is well aware what the medical and the economic authorities have said about drink. There is no need for me today to cite those authorities and read passages out of some book. I think I am correct and right in the assertion that if we succeed in eradicating this evil we will be adding to the health and the wealth of our people and we shall be more prosperous. If it is true that our wealth will be increased, I think we should not hesitate to eradicate this evil simply because at the present moment there is a loss of some money before us. Out of two things, health or wealth, in my opinion, decidedly health of a nation is the thing which is desirable, and anything which makes any injurious effect on it is really condemnable. As at present there is no need of putting any practical proposition before this House how and in what manner this loss will be covered, I think what I have already said is enough to dispel the effect of the sentence of the Honble the Minister for Excise that in these hard times it is very injurious for us to accept a loss of so much income as we are at present deriving from excise. Sir, now I am trying . . .

Shaikh Muhammad Habibullah : Without gain to temperance.

Hafiz Muhammad Ibrahim : Shaikh Habibullah Sahib says "without gain to temperance." This is a very curious thing, to create temperance he wants to bring in that thing among the people which it is intended to extinguish.

Shaikh Muhammad Habibullah : No.

Hafiz Muhammad Ibrahim : Yes. You want and the Government also pretend to eradicate this evil by making an ordered and programmed sale. You will give the right to sell drink to that man who bids the highest for it, as the question of the auction system before us now says. Our policy to derive maximum income leads us to make the sales to those who bid the highest. This act is really a thing which will compel the man who bids the highest to avail himself of every chance out of which he can compensate himself for the high price paid by him for the maintenance and establishment and also for profits on that sum spent by him. In my today's speech I am not going to discuss the relative merits of the auction system and the other system, because I know that the honourable mover of this resolution will do more justice to that subject than myself; but, Sir, as far as the remark of my honourable friend Shaikh Habibullah is concerned, I submit that he is labouring under quite a wrong conception. He is mistaken and on no ground he can stand for the proposition that without losing gain to the State we should do this or that. We should be prepared to lose all; if we are not prepared to lose all, I say that you will never be able to eradicate this evil at all. With these few remarks, Sir, I conclude my speech and in the end appeal to this House that we should at this moment remember whose representatives we are. And in our heart of hearts we know what is the sentiment of our people towards this question, and before voting on any side we should think twice.

Rai Bahadur Babu Vikramajit Singh : Sir, my honourable friend who has just preceded me made a long discourse on the evils of drink, but I have waited in vain to see whether he discussed the question as to which of the two systems of sale, namely auction system or the surcharge system, was preferable, and whether he devoted himself to advance arguments in favour of any particular system. I quite agree, Sir, that most of the honourable members of this House on the non-official benches are for total abstinence, and I have been an advocate of that cause from the very beginning of the Reformed Council from the year 1920. But I have found that, so far as the Government is concerned, whether it is presided over by one Minister or the other, they never show themselves to be in favour of total abstinence, but their policy is, as it would appear, as has been pointed out today—minimum of consumption with maximum of revenue. Sir, I have very carefully read the speech of the honourable mover of this resolution and I also read the reply that was given by the Excise Commissioner in Naini Tal, as unfortunately I was absent on that occasion. I have also very carefully followed the speech of the Hon'ble the Minister today in reply to the honourable mover's speech, and to me it appears that there is no question of the excise policy involved in this resolution at all. The whole speech of the mover is, if I may say so, a tempest in a teapot. The only question is whether Government should raise revenue by one method or by another method. So far as I am concerned as a total abstainer, I do not approve of any of the methods of Government for raising revenue from this source.

But if I have to choose between the two evils, then I should say that it would be better for Government to have the auction system rather than the surcharge system, because Government would be making more money for the benefit of the tax-payers from this method than from the surcharge system. The money that ought to go to Government will, under the other system, namely the surcharge system, be going into the pockets of the contractor. So the question is whether the Government ought to get the money or whether the money should be made by intermediate persons. It appears to me that this is the only point that is involved in the question that has been raised by the honourable mover in this resolution.

Sir, in the year 1921, when my honourable friend the mover of the resolution was Minister, in my budget speech I spoke about the excise policy of the Government in these words and I have always stuck to that opinion. What I said at page 585 of volume I was—

"r, when we look to the excise policy of the Government that it is open to serious objection. There is no doubt that the Government gets a large sum of money, say, over two crores, from this source. But as the liquor shops contribute to this revenue, and these are calculated to undermine the physical health of the consumer, and are calculated to make the consumer poorer and to make him more susceptible to immoral influences I submit that this fact has also to be taken into consideration. The aim of the Government should be to eradicate the evil of consumption, though it may be at the cost of revenue. Last year from a report of this Council I find that certain honourable members expressed their jubilation at finding that the consumption was low, but I believe by this time

they must have been disillusioned, for it was only a temporary reduction in consumption. It was also stated in the Council that the maxim was the maximum of revenue for the minimum of consumption. This was advocated by several members in the Council, and this point I also find in the illustrious note of Mr. Blunt which he circulated the day before. In spite of this I think that the maxim is not a correct one and is nothing better really than a copy-book maxim. Another policy should be substituted for this if we are going to get any good result from this. The policy should be no revenue and no consumption. If our goal is to do away with this evil we must take up a bold policy, although it may be at the cost of revenue. In order to reach that goal towards which I say we ought all to strive, or Government should strive, the Government should try to close down as many shops of liquor and drugs in the urban and rural areas as possible in order to make a good beginning on this subject. This, I submit, will be advancing both the physical and moral welfare of the people. This proposition at first sight may appear to be a novel one, but I think from the ultimate result which will be attained it will be a safe one."

Now, Sir, at that time my honourable friend Mr. Chintamani was the Minister and we find that in reply to this he made a speech on the 14th March, 1921, in which he said :

"The other day two members of the Council, the honourable member for the United Provinces Chamber of Commerce and the member for the Allahabad District, referred to the excise revenue. The former said that to get revenue from excise was open to grave objection. The policy should be 'No revenue and no consumption.' He pleaded for a bold policy even at the cost of revenue, and the latter described excise revenue as tainted money and urged that that source of money should stop. If either or both of the honourable members meant that we should immediately adopt the policy of prohibition, they did not say so. If they meant it, I suggest that the question should be brought up by itself instead of being left to inference or implication. I think that we are on the right road. I shall be glad to show presently that the policy of the Government has not been to get revenue by any means, even at the cost of demoralizing the people. I shall be glad to show that while progress in the desired direction may or may not be regarded as having been satisfactory, there has been progress towards a reduction of consumption, a reduction in the number of shops and in a number of other ways, which temperance reformers have always advocated. Government will have absolutely no hesitation in adopting a policy which my honourable friend may describe as bold and will always be quite ready to sacrifice revenue if by the adoption of a particular step the result which he desires and I desire equally can be brought about of a reduction in consumption. Honourable members would have found from the budget statement a larger figure of excise revenue estimated from next year than the figure of the revised estimate of the present year or the actuals of the previous year. I hope they did not forget that while until now a part of the excise revenue was imperial, the whole of it will be provincial from next year."

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And then, Sir, speaking in the same speech he further said :

"I am extremely doubtful of the wisdom of pre-scribing a minimum number of shops in every area. This is one of the questions which has been referred to Mr. Pim's committee. Speaking in general terms, I think it is correct to say that the policy of the Government has throughout been to secure a reduction of consumption without a sacrifice of revenue, to get increased revenue, if thereby the temptation to drink is reduced and if thereby no greater harm is done."

Again in 1922 I brought the matter up before the Council, and I said : "As a matter of fact I adhere to the opinion I expressed last year in the Council that I look forward to the time when people will entirely abstain from spending any money on liquor or other intoxicating drinks, and there would be no revenue and no consumption. It may also be apparent to many that it is neither unlikely nor improbable that year after year revenue from this department will have a tendency to fall and the Government will have to find means to cover the deficit under this head from other sources." On another occasion my honourable friend, Mr. Chintamani, said as follows : "Last year making a similar motion I pointed out that on a survey of the preceding fifteen years the two facts that strikingly came out were that a large increase of revenue synchronized with a great diminution of consumption. I pointed out that the formula that 'maximum of revenue with the minimum of consumption' which was very often derived as being only a euphemism for the promotion of a popular drink evil in order to add to the revenue of the Government had a real meaning in it. With the increase of their duty the revenue had risen, and it has been the policy of the Government to take steps to reduce consumption."

From these references that I have placed before the House it will appear that the outlook of a non-official member is very different from that of a non-official when he becomes a Minister. When one becomes a Minister he begins to think that he has to find money in order to run the administration, and therefore it is really a question of finances and revenue, and the Minister has got to take that into consideration before other things. Sir, after the first two years when I raised this question and I found that it was not possible to attract the members of the Government to take a favourable view of that question, namely to adopt a policy of total abstinence, I thought myself that it was really a hopeless job, because considering that the Hon'ble Mr. Chintamani was the Minister at that time, who is a leading and prominent Liberal and is a great public man, if he during his Minister-ship could not come forward with a bold policy of total abstinence, it would not be possible for many people in that position to take up that line. I thought really that it was a hopeless job, and in future years when I took part in the debate I always supported the cause of total abstinence, but considered, however, that nothing in that line was possible to be done. The members of the Swarajist Party year after year brought forward resolutions and we supported them either by speeches or by votes, but nothing definite resulted. So that my own idea is that whatever views we may hold as non-official members but when one goes and joins with the other side and

becomes a Member of the Government, then the outlook or the angle of vision is really changed, because at that time one has to consider many things else besides his own opinion that one may have on questions of this nature, just as the Persian saying goes: "*Harke dar kan namak raft namak shud.*" Whatever may go in the mine of salt becomes salt. So that even if a public man goes on the other side, he is also coloured with the same views and cannot really think in the same manner as we non-officials think. Therefore, Sir, on a point like this, my submission is that I really advocate the policy of total abstinence in order to eradicate the evil, but my honourable friend has not put up his resolution in that shape. If he had placed his resolution for total abstinence and had also put forward a constructive programme to find the money for the running of Government, I would have very gladly supported him. But considering that his resolution has nothing to do with the excise policy of the Government but has merely to do with the system as to how we should raise the money either by auction sale or by the surcharge system, I think that in that case I should unhesitatingly say that it is in the discretion of the Government to have a particular system from which they can raise more money. Sir, I do not think that it is really for the Council to determine whether they should sell a shop by auction or whether they should realize the fee by a fixed method, because it is really for the Government to determine which system will bring them more money. After hearing the Hon'ble the Minister as well as the Excise Commissioner, no doubt is left in my mind that under the surcharge system there is a great danger of illicit distillation, and we find that a very large number of cases of illicit distillation have been detected since the auction system has been introduced. In the auction system the contractor has got to make money in order to pay off his dues to Government. Consequently he has to strive every nerve in order to find out if any illicit distillation is going on, because that in a way competes with his business. But under the surcharge system it is not necessary for him to do that. He is quite content with what he gets and it also appears that although the consumption goes up the revenue of the Government goes down under the surcharge system. Therefore, I do not understand how the cause of temperance or total abstinence could in any way be advanced by having a surcharge system which has been shown by both the Hon'ble the Minister and the Excise Commissioner as fraught with so many evil consequences. We find that this surcharge system which was introduced in the time of my friend Mr. Chintamani when he was Minister, has existed now for about 10 or 11 years. Can we say that this system has put the people on the path of total abstinence or have any statistics been collected in order to show that the number of consumers under this system has been less than the number of consumers under the auction system. What is there in favour of this system beyond saying that outwardly the consumption is less but, as a matter of fact, it may not be so. As has been pointed out, although seemingly it would appear that the consumption has been less, yet illicit distillation has been going on side by side, and that would really show that the consumption of liquor has not grown less. Therefore, I do not see why the Government should sacrifice its

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revenue when the cause of temperance or the cause of total abstinence is not advanced by this method of having merely a surcharge system. My friend, the mover, has given the entire history as to how the system was introduced, but that system was introduced and has been tried. The question is whether that system has in any way been helpful and we have not found the opinions of any experts on that question that after examining the statistics and figures they came to the conclusion that the surcharge system is better in the interest of temperance or total abstinence than the other system of selling it by auction. Reading, Sir, again in the year 1922 from one of the speeches of Mr. Chintamani, I find this passage which will probably throw some light. He says:—"Coming, Sir, to my departments; the first subject which excited attention was Excise. The honourable member for the United Provinces Chamber of Commerce, the honourable and learned member for the University and two other honourable members expressed their deep gratification at the fall in excise revenue. If this fall in excise revenue were due wholly and entirely to a decrease in consumption itself, the result of a wholesome temperance movement of a permanent character, I should have less hesitation in joining them in congratulating ourselves on this fall in excise revenue. But as we know, movements which are bound to be merely temporary measures that were taken up by a section of the population for purposes other than temperance reform—were responsible for this violent fluctuation in revenue. At least I should hope that those who are gratified by this fall of 51 lakhs in excise revenue, will not be too forward in complaining of curtailment of expenditure which they might wish to see incurred. They must accept the logical corollary of the position they take up with reference to excise revenue. In introducing the excise budget in Council, I shall announce the Government's decision on the recommendation of the Excise Committee—if in fact they are not published earlier in the Gazette—and with a clear conscience I shall be able to face the Council and tell them that the serious purpose which the Government had in appointing that Committee, had been more than fulfilled: not only that the recommendations of that Committee, which have been admitted throughout India to be of a very progressive and valuable character, are being given effect to by Government, but the Government are going further than the Committee have recommended in the direction of temperance reform."

So that from my honourable friend's speech it would appear that all reductions in consumption are not to be considered to be genuine reductions in consumption. We find that although in that year there was a reduction in consumption, it was not a genuine reduction in consumption and here we find from the speeches made on behalf of the Government that although there is a seeming reduction in consumption, but as a matter of fact it is not really a reduction in consumption. I also find, Sir, from the proceedings of that year that the Pim Committee when they recommended the introduction of the surcharge system, also recommended that they should have a large staff for supervision. So that it appears that the Pim Committee thought

that with the introduction of the surcharge system there would be a lot of illicit distillation, and therefore it would be necessary to have a very strong staff in order to cope with that evil. But the Government at that time, although they accepted the surcharge system, they did not accept the other alternative, namely of having a larger staff in order to supervise. I think, Sir, that appears to me to be quite a mistake, because the Committee which recommended it, put forward two things. They recommended the surcharge system so that you may have lesser consumption, and at the same time they recommended that you must have a larger staff in order to get rid of the evil of illicit distillation. If you want to have one you must have the other, namely you must see that there is no illicit distillation if you want to have a system under which there will be less consumption. But the Government at that time in the interests of economy did not increase its cadre by having a larger staff and on that account the recommendation failed, namely that under the surcharge system there must be a lot of illicit distillation which remained undetected. The auction system has been introduced and the contractors are becoming more and more vigilant in order to see that there should be no competition with their trade. From all this it would appear to the House that the issue before the House is an exceedingly simple one. It is not a question of total abstinence or prohibition at all, although many of us are interested to see that there should be total abstinence or prohibition. But the question merely is as to how the Government should raise its revenue—whether by an auction system or by a surcharge system? The Government of the day consider on the report of its officers and after due investigation that the surcharge system was not suitable and that they should have an auction system. I do not see how a non-official member can challenge that that system which has been adopted by the Government is not a right one and that another system which has been going on for the last 10 or 11 years but has failed to fulfil its object is the correct method. I think, Sir, it is entirely within the discretion of the Government to have any system with regard to the sale of the shops. It is not a question of having more shops. It is merely a question of selling a particular shop. So far as the question of the number of shops is concerned, I am entirely at one with the honourable mover that the Government should not provide more facilities by opening more shops or new shops. But so far as the question of existing shops goes, if I was asked whether it would be better to have merely fixed fees and to earn less revenue or to sell by auction and to earn more revenue, I should certainly say unhesitatingly to earn more revenue. From my point of view whether you earn less revenue or more, it is no doubt tainted money. I am entirely in favour of total abstinence, but that is not the issue before the House, and I really fail to see what offence the Government have committed if they have introduced a system of selling the shops by auction. To my mind the controversy that has been raised does not appear to have much substance in it. It does not appear that there is much difference from our point of view with regard to the methods adopted, namely from my point of view, so far as the question of total abstinence goes, whether you have the surcharge system or auction system; it is somewhat like six of one

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taxation measure so that you may have a tax this way or that way, but it is a measure through which the excise policy has got to be affected. It is said that the surcharge system showed no improvement whatever, but certainly no figures have been quoted by the Government to show that the surcharge system has not been able to go ahead to mark an inch of change.

The surcharge system may not have been able to do as much as it was expected to do, but it cannot be denied that it has checked the consumption of liquor to some extent at least. The only argument that has been advanced is that the figures of consumption do not indicate the real state of things, because there is so much illicit distillation going on and that is mainly responsible for showing the decrease in consumption. Well, Sir, the House cannot go on such theories. Since no convincing arguments have been given and no figures have been cited to prove that the surcharge system has not been able to do any good either by Government or by other speakers, it cannot be said that the system has failed. Suppose a student, who wanted to pass B.A. examination, has failed to do so, will you send him back to the upper primary school? That is no reasoning, that is no argument. Because the surcharge system failed to achieve the expected results, we should take to the old system of auction under which every shopkeeper would try to sell as much liquor as he can in order to make the maximum of profit. That is not in any way advocating the cause of temperance; in fact it would be advocating in favour of use of liquor in larger quantities. Then, Sir, there is the question of revenue. Government's contention is that because the auction system will bring in more money to Government, it should be adopted. If we were to adopt this policy, I am sure the Hon'ble the Home Member will come forward the next day with a Bill empowering Government to issue licences for keeping gambling dens on the ground that Government is losing money, because gambling is going on every day, but Government is not getting any share out of it. Now, Sir, I respectfully ask whether the House would favour such a method of raising money. Would that be acceptable, Sir? I do not think this House would like the policy of raising money in that way. When the whole world is against it, it does not look good for this province to come forward to say that they must go back to the old system because they require more money for education. If they get all this money which is going to the illicit distillers they would thereby be helping our boys to get more education. This is a very unhealthy suggestion on the part of the Government.

The other point that I wanted to put before this House was that the Hon'ble Minister said that no check could be had on these people and that no administrative measures were possible. As I said before, Sir, the same arguments could be advanced by the Inspector General of Police that as no check is possible on gamblers, so the Government should tax the gambling dens and thus derive some income. The gambling places may be auctioned, so that people may have the facility of gambling and the Government may get some money thereby. With these words, Sir, I support the resolution

before the House and most humbly beg to oppose any motion which is in opposition to this resolution.

The Council was then adjourned at 1.35 p.m. for lunch.

After recess the House re-assembled at 2.20 p.m. with the Deputy President in the Chair.

Thakur Muneshwar Bakhsh Singh: It has been admitted on all sides that it has been the policy of the Government that total abstinence is its goal. But, Sir, taking that point in view we have to look into this question whether surcharge system or the change into auction system, which of these systems takes us nearer to that goal or drives us away from that goal. This is the main point which we have to consider because revenue is the secondary thing to us as has been always pointed out by the Government in its declared policy several times. So, Sir, from that point of view I have to examine these two methods. Now, Sir, from the figures supplied to us in the statement we have to consider which system increases drunkenness and side by side we have to think and consider whether illicit distillation increases or not and which system helps illicit distillation. Both these things are to be considered. Well, Sir, many speakers on the side of Government and also Rai Bahadur Babu Vikramajit Singh have made out that in the ten years' experience of surcharge system there has been no improvement. I regret to differ from them. There has been a marked improvement. I am an inhabitant of a village and often resort to villages and I find there that within these ten years many *panchayats* of low castes such as Pasis, Chamars, Gadis and others have passed resolutions definitely that they will abstain from drinks as they used to drink previously on marriage occasions, festivals and *panchayats*. Now they have left drinks, if not totally, still they are abstaining from that practice. This is the result that has been produced by the surcharge system and I think no one is blind to this fact. Our Finance Secretary shakes his head that it is not so. I will say that it is so and emphatically say that if he goes in villages—I have experience of the Hardoi District—then he will find that many of them have taken vow.

Mr. C. St L Teyen: May I say I shook my head because I thought the cause was not correct not the results.

Thakur Muneshwar Bakhsh Singh: Sir, the price was also increased of this liquor and the poor people could not afford to get that liquor so easily so also they refrained from that practice of drinking. This is also one of the facts that the prices were raised. Now Sir, from the first statement supplied to us it has proved that in the auction area the increase in the quantity of country liquor consumption has been 75.4 per cent. more while in the surcharge area it has been 66 per cent. more. In the surcharge area Sir, it would not have been more, but it has increased but for the fact that the price has been lowered. The price of country liquor has been made cheap, so certainly there is an attraction for the people now for more drinking because they get it easily, and some more shops have also been opened so there has also been facility for them and they get this liquor easily. So this reduction in the price is one of the factors that

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proves that in the surcharge area this drunkenness has increased, otherwise it would have decreased. In the auction area it has been shown that it has certainly increased, so drunkenness has increased in this auction system. But the comparison is not correct because in the surcharge system the price has been lowered so the figure showing increase in that area are certainly misleading. As to its effect on illicit liquor certainly I would have been for the auction system—if it had gone far to decrease this distillation then I would have been for this auction system, but this also is not true as has been proved by the figures. As the figures in the statement are they prove that while there were 1,036 cases of illicit liquor in 1931-32, it has increased to 1,500 in 1932-33, though it has been explained that those who are interested in auction they have helped in finding out these cases, but I would submit that every figure can be explained in many a way. The figures are there, we have them without any explanation, if we have to come to any independent judgment we can come to it without any explanation, and that is that it has increased more in the auction area, as in the surcharge area it has been shown that there is an increase from the figure of 492 to 566. The best criterion for judging the magnitude of a crime is from the cases of detection. It has also been urged from Government side that for every case that is detected there are ten cases that go undetected. It is in the surcharge area that illicit distillation has only increased by 15 per cent., while in the auction area it has increased by 35 per cent. So, Sir, from the point of view of drunkenness and of quantity of drinks it has increased in the auction area by 75.4 per cent. of licit consumption and 45 per cent. of illicit consumption. So, Sir, if total abstinence is our goal, then any system that leads to drunkenness should certainly be disapproved by this House, because it has been the policy of the Government to work up to that goal; but I am sorry to say that Government has never taken up that question seriously. Had it cared to do so, I think this illicit distillation would have disappeared by this time. But it never cared to suppress it and Government now tells the House that because illicit distillation was increasing, so they were reverting to the auction system. It was their aim that they should get as much revenue as they could, and it was for that reason that they never did propaganda work seriously, they never took up that thing seriously into their hands. If they had, it would have been checked. Many customs of old, such as *sati* and others, were put down by one stroke of the pen; this illicit distillation could also be put down by Government if they care to do so. I hold that this change from the surcharge system to the auction system will increase drunkenness in the country as it is in the interest of the *thekudar* to induce people to drink more and more and it will take us far from that goal. So, I support the resolution of Mr. Chintamani.

***Thakur Balwant Singh Gahlot :** Sir, much has already been said for and against this resolution, and one thing that I have been noting is that even those who were opposing the resolution devoted most of their time to condemning this practice of drinking. The major part of the speeches was devoted to show that they were not really against this resolution, but that for some reason or other they had to oppose

it. The Hon'ble Minister for Excise, in the very beginning of his speech, said that he had not changed the policy at all, and he quoted from the Excise Manual in support of his contention. In the Excise Manual there were two principles which, he said were the guiding principles for his action. One was that the aim of the Government was total abstinence and the other was that they should get the maximum of revenue with the minimum of consumption. The object was to be attained by raising the taxation on excisable commodities. But I would like to point out that Government, instead of increasing the taxation on excisable commodities, has reduced it by 33 per cent. Is it encouraging temperance or discouraging it, according to the principles laid down in the Excise Manual?

As regards the two systems, our main guiding factor in choosing out of the two systems should be, which of the two tends more towards total abstinence, which has been the recognized policy of Government? What is our aim? Is it to derive more and more revenue from the Excise Department or is it total abstinence? We must have the courage to choose between these two evils. If total abstinence is our aim, then we have to see whether surcharge system or auction system would bring us closer to it. Now, I take the auction system first. Under this system a person who pays most gets the licence. So his object is to realize at least the money that he has paid by hook or by crook. He therefore tries to sell as much liquor as possible to avoid any loss to himself. On the other hand, under the surcharge system there is no danger of any loss to the licensee, and his only interest is to get as much out of his shop as possible. It may be said that both persons gain with an increase in consumption, but there is a difference between the two. Under the auction system one has the risk of a loss if he does not sell a certain quantity of liquor, while under the surcharge system there is no such risk, whatever the amount of liquor is sold. It was I think with the object of discouraging the sale of liquor that the surcharge system is being introduced. Now, Sir, I have got a little experience of the working of this system. It is in practice in the district from which I come. Government say that they are in favour of total abstinence but what do we actually find? A licensee, whose sale has diminished is asked to show cause why his licence should not be cancelled. Is this the way how Government wish to proceed towards their goal of total abstinence? I, as a Chairman of the Licensing Board, had to deal with several cases where licences were cancelled merely on the ground that the sale was not up to the same extent as in the previous year. So, Sir, the main idea in changing the system from surcharge to auction is of getting more revenue. Now, Sir, every one of us knows that this liquor is a source of so many crimes, of so much poverty and of so much loss of health. If we continue in this direction, either directly or indirectly, we are encouraging crimes, we are encouraging bad health, and we are encouraging other evils in our province. One of the main arguments employed in favour of the auction system was that cases of illicit distillation have increased under the surcharge system. My reply to that argument is that if a certain crime is being committed the remedy does not lie in legalizing the commission of crimes against the society by ourselves, but the remedy lies in stopping

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it altogether. We may not at the present moment be competent to stop it altogether or we might have insufficient staff to control it, but if the Government have a will to stop it I think the means can be found to do that. It does not follow that we should adopt those means by which the consumption of liquor is encouraged. If the verdict of the Council is against this resolution, the result would be that in most of the districts where the surcharge system exists auction system would be introduced.

As regards the increase of revenue, two or three months ago I read in a paper that in the case of a shop in Allahabad there was a loss of Rs.10,000 to the person who had taken the shop under the auction system. If this is so, we can understand what the real state of affairs is. The bid may be higher, but consumption for various reasons is going up. We might get more revenue, but the contractors will try their level best to increase consumption some how or other. I also understand that there was an application by these licensees for some reduction in their fees. If that was so, then I think those licensees bid very high on account of the previous sales that they had in view. Now the circumstances have changed on account of the social activities, on account of the political activities, on account of the economic depression and this consumption is going down. If we are to take advantage of this reduction, then we should support this resolution. But if by your verdict you want to do away with all those advantages which have accrued for different reasons then certainly adopt any means that might tend to raise the revenue. With these words I support the resolution.

Shaikh Muhammad Habibullah : The question before the House is relating to the two systems, one which existed when the mover of the resolution was in power as a Minister and the other which had been adopted by the present Ministry. So far as the question of the difference of opinion refers to the principle of temperance, I may at once say that on that point we are all in favour of total abolition. But that is not the question before us. The question is whether having regard to the principle of temperance which is the better system—the one that was adopted by the last Ministry or the one which has been adopted now. The statistics which have been put before us, and which we should presume as correct, clearly indicate in favour of the adoption of the system which the present Ministry is following. I have heard the gentleman who has spoken before me and who has construed these figures in his own way. For instance, my friend the member from Hardoi said that under the present system it appears that in the auction area crime has gone up by 1,500 as against 1,036. I think he failed to say that it is not the crime under the drinking laws but it is crime under illicit distillation that the figures have gone up. It appears that detection of illicit distillation has been more under that system than it has been under the surcharge system. Now, Sir, I will take the facts as they are, and will not put any construction on them, because they indicate it on their face value. The surcharge system, I may say by the reading of these facts, seems to be surcharged with something, rather with some element which leads to double crime. First, the crime against the moral law, i.e., excess of

drinking, and second, the crime against the law of the country, i.e., the breaches of law. It is said that in both systems the difference in the consumption of liquor is not much. I do not agree. Once we concede that under a particular system there is more illicit distillation we have got to read the figures under that head having that point in view. For instance, there is no doubt that under the surcharge system the figure 66 per cent. is much lower than it could have been detected. Why? Because illicit distillation in itself is a secret institution and detection of crime under this illicit distillation, which is very much practised under the surcharge system, is very difficult. This 66 per cent. really represents nearly 90 per cent. Again the best indication is the revenue. The fall in the revenue under the surcharge system clearly indicates that there is some underhand practice going on. Otherwise the prices ought to have risen. But the fall in the revenue shows that the prices or the revenue instead of going to the proper channel, go into the hands of people who carry on this trade secretly and there is no doubt that the surcharge people are more interested in this illicit distillation than the auction people, who have paid heavily for it. It is said that the auction man tries to sell as much liquor as he can. No doubt. But he at the same time takes jolly good care that no interlopers, no people who are not authorized to sell, should sell; while on the other hand the surcharge man's interests are in common with the people who carry on illicit distillation. The debate on the question, Sir, has taken such a long time and I wish we could have only passed our judgments on the facts and figures as they came to us. If we did not accept these facts and figures, we should say we do not accept them, they are all wrong. But if we accept them as a basis for the debate, I think they leave no room for any conclusions other than those which the Hon'ble Minister in charge of the Excise Department has arrived at. If I support his action, it is not because he gets more revenue but only because this system is more consistent with the policy of temperance, and the drink under this system is much less than what it would have been if we stuck to the surcharge system.

During the course of the above speech the Hon'ble the President resumed the chair at 3.20 p.m.

Mr. C. Y. Chintamani: Mr. President, I would ask for the indulgence of the House in view of physical disability, if I am unable to do adequate justice to my side of the case today. It is unfortunate that the debate that was initiated in June last should have been postponed for the long period of eight months, as it must be difficult for honourable members to remember all that was said on that day and to test the speech of the Hon'ble Minister delivered today by what was said on that day in criticism of the new policy. I say "new policy" with apologies to the Hon'ble Minister and his valiant champion who faces him from this side, because it is nothing but juggling with words to say that measures which undo nearly everything that was done are not the expression of a new policy. On the 14th of June at Naini Tal I was followed by the Excise Commissioner. He made a formidable speech in support of the policy of his Chief. The impression that that speech made on my mind then, and which it has made again today when I have re-read what he said, is that in that speech there was much more

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sound than reason, there was more heat than light. But I will not dwell further upon it because it would not be fresh in the minds of honourable members. Besides, when we have the authoritative pronouncement of the responsible member of Government in charge of this subject delivered as recently as three or four hours ago it is superfluous and not very advantageous for me to hark back to the speech of the head of the Department, who must have spoken to his brief. Whatever might be the individual convictions of an officer of Government on any subject, he is bound by all rules of discipline to speak in defence of the policy dictated from above, and I will do the Excise Commissioner the justice of assessing his speech of that day at no higher value than that it was the utterance of a man subordinate to the Government, whose bounden duty was to put the best face possible upon whatever position the Government took.

I must begin, when I come to the speech of the Hon'ble Minister, by expressing my deep and genuine sympathy with him. We all know him to be an extremely clever and shrewd man, and yet he made a confession today that he had wasted his time in reading my speech of June last several times. He could not understand what I was driving at. I thought that I was one of the plain speakers of this House, with whose opinions there are many honourable members who do not agree, as they have a right not to, but it is for the first time that I have heard the complaint uttered by any one that I could not make myself intelligible or understood. When the Hon'ble Minister proceeded to say—in fact it was a repetition of what he said in June last—that he had not made any change of policy, not departed by one hair's breadth from previous policy, I could not help recalling the famous advice given by a Frenchman to a budding politician that in politics audacity, audacity, audacity again, was the keynote of success. It required more than ordinary courage even on the part of that Hon'ble Minister to stand up and boldly declare that he had not departed from previous policy by a single hair's breadth. One has only to read his own speech of today and the speech that preceded it in June last to understand whether there has or has not been a change of policy, nor do I think that the conclusion one would reach would be affected very much by the gallant defence of that position from this side of the House.

The Hon'ble Minister was expected, in defending his new policy, to make an adequate answer to the mass of official testimony in support of the policy he had superseded, which it was my duty to place before the Council in June last—the opinions of a number of Excise Commissioners right up to the present one, of a number of Secretaries to Government, of Excise Ministers and also of the present Finance Member uttered in another capacity. But the Hon'ble Minister was pressed for time, I suppose. At all events he thought it prudent not to traverse that ground, and putting a bold face upon the glaring omission he was content to tell the House that no useful purpose would be served by his dealing separately with the opinions of the Excise Commissioners and other officials. The Hon'ble Minister's next point was that the auction system was not a question of policy. It was never said that the Government were committed

to it. Here is another example of greater audacity still. To what can Government be said to be committed? If they cannot be said to have committed themselves by expressions of opinions and declarations of policy made by them formally and officially in public resolutions, I do not know to what the Government can be said to be committed. As regards the fresh denial that the auction system was a matter of policy, it is all a matter of words. Suppose in excise policy you decide by administrative decrees to upset things which were and introduce things which were not, I suppose the man in the street would say that there was a change of policy. The Hon'ble Minister may not agree but I fear the man in the street will continue to say it. The Hon'ble Minister next fathered upon me the statement that the Government policy was the maximum of revenue with the minimum of consumption and he quoted from the speech I delivered in March, 1921. In March, 1921, that undoubtedly was the policy of the Government, but in that very month was announced the Excise Committee and, in their resolution on its report published early in 1922, the Government declared their policy in very different language which involved a difference of substance. They said there in the resolution dated the 10th March, 1922: "There is all but unanimous agreement that the report of Mr. Pim's Committee is a notable contribution to temperance reform, the promotion of which was Government's principal object in appointing the Committee." Then that resolution discussed the old formula "maximum revenue with minimum consumption" and discarded it as an expression of the policy of the Government for reasons which would be found embodied in the text of that resolution. The Finance Member will very well remember that passage, as he is the author of it. Then Government announced their new policy in these terms:

"Government's excise policy is accordingly defined to be the subordination of considerations of revenue to the promotion of temperance. Government definitely accept as one of their most important obligations the reduction of the consumption of intoxicants so far as the legislative or executive action can produce that result. They will not be tempted to avoid or minimize that obligation by any desire to add to the public revenue."

This is the language in which the Government policy for which I was responsible at the time was announced in a resolution printed in the *Gazette* over the signature of Mr. Blunt, the then Excise Secretary. If in March, 1921, I stated on the floor of the House that the maximum of revenue with the minimum of consumption was the policy of the Government, it was an absolutely correct statement of the policy of the Government as it was at that date. Then the Committee was appointed and as a result of its deliberations the policy was changed materially and a new policy was defined and explained in clear and unambiguous language in the resolution of the following year.

Therefore notwithstanding the assistance which the Hon'ble Minister received in the form of a quotation from that speech of March, 1921, his position has not improved, for the reasons which I have just explained.

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Then, as a piece of clever debating tactics the Hon'ble Minister followed by his champion from the other side sought to prejudice the House against me by emphasizing that when I was Minister I did not accept total abstinence as the policy, and that my policy showed that I did not think drink to be very harmful after all. Whether I do or do not think that drink is very harmful may be judged from my own habits just as we may judge of other people's opinions by their habits. With regard to abstinence, I stated my position with the utmost clearness, such clearness as I am capable of, in the debate on excise policy that took place here in January, 1927, a debate which the Hon'ble the Home Member can recall as he took part in it. There was a resolution before the Council moved by a Swarajist member urging prohibition. That resolution was countered by an amendment moved, I believe, by Dr. Shafa'at Ahmad Khan, urging the promotion of total abstinence. The words "total abstinence" were substituted for the word "prohibition". The Government gave their blessing to the amendment as against the proposition. Following the then Hon'ble Minister for Excise, Kunwar Rajendra Singh, I put this question to the Government:—"What means is available to this Government or to any Government to bring about total abstinence from intoxicants except by prohibiting the importation, the production and the consumption of intoxicating spirits and drugs?" And if the Government daresay for good and sufficient reason, were of opinion that it would not be wise for them to plump for a policy of legislative prohibition, then I asked how on earth could they as Government without the legal sanction of prohibition behind them, bring about total abstinence. I could understand private organizations—social reform associations, temperance associations and such other bodies—relying upon propaganda in order to inculcate on the minds of people the virtues of abstinence and the evils of consumption of intoxicants, but I could not then understand and I do not now understand how any Government without the sanction of a prohibition law can bring about total abstinence. That was the ground I took. I made no secret of the fact when I was Minister, that I was not in favour of prohibition. Let me say today that I am not in favour of prohibition. There has been no change of policy on my part; there has been no change of opinion, that I declared then, I have declared consistently ever since then and I repeat today that short of prohibition it is open to the Government and it is the duty of the Government to do everything legitimate that Government can do in order to reduce to the largest possible extent the undoubted evil of the consumption of intoxicants by the people.

This was stated also in the resolution of 1922 from which I have quoted two sentences. The Government said there "when they were dealing with the question of fixing of duty, that to the rich man they must make it a very costly luxury to indulge in intoxicants and from the path of the poor man they must remove temptation and make it next to impossible for him to waste upon drink and drugs money which was not adequate even for the support of himself and his family." The Hon'ble Minister could not understand what he had done.

to have been subjected to so much attack and to—I was sorry to hear him say this—abuse. I do not know whether he now thinks that he is being subjected to abuse at this moment, but if he cannot distinguish between strong criticism and abuse, the fault is not mine. Whether he was guilty of the charges brought against him he was not sure; in the end he was sure that he was not guilty. The charges brought against him were—or I may use the singular number—the charge brought against him was that he had made a certain number of changes in the excise policy in force since 1922, which had been accepted by every one of his predecessors, which had been appreciated and applauded by Secretaries and Heads of Departments; that he had made a certain number of changes the cumulative effect of which was bound to increase the consumption of intoxicants and that he did so in order to add to the revenue of the Government. This is the charge. I repeat it, and having heard him for one hour and twelve minutes I say that my charge had been proved to the hilt, and by the time I conclude I hope honourable members will agree that it is not a very baseless claim that I am making that my charge has been established.

The Hon'ble Minister said that Government were losing revenue without gain, because the figures of recorded consumption of licit spirits did not represent the aggregate consumption of intoxicants in the province. Allowance must be made for the amount of illicit spirits that were consumed and either he explicitly stated or he left it to be inferred without any doubt or mistake that the amount of licit consumption taken with the amount of illicit consumption reached a figure which rendered illusory all notions of decrease of consumption due to the surcharge system and other items of excise policy, and he criticized me for not having produced the figures of total consumption. This is an astonishing charge. It is not I nor any other non-official member who maintains out of public revenue an establishment charged with the duty of collecting figures. Whatever facts and whatever figures we are able to cite, whatever facts and whatever figures we rely upon to strengthen our arguments are facts recorded and figures supplied by the department over which the Hon'ble Minister presides. If there are no figures showing the exact amount of illicit consumption, so that we might add that figure to the figure of licit consumption and then compare present totals with past totals, the fault certainly is not of a private member of this House in whose favour a sum of money is not voted for him to maintain an establishment to supplement the figures which the Government obtained through their department. The Hon'ble Minister said: "From the figures of licit consumption it must not be thought that the total consumption has fallen." I have my reply. My first reply will be in the form of the opinion of Mr. Gibb, Excise Commissioner. He wrote: "Having carefully weighed all the information and facts at my disposal and making an exhaustive examination of the district statistics I came to the conclusion that while illicit distillation is undoubtedly on the increase it would be a travesty of facts to say that it has been responsible for a material part of the fall in consumption." Then there is an authority—a higher authority than the Excise Commissioner. It

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is the Government themselves, not the Governor, acting with his Ministers, but the Governor in Council. As I explained in March last, when this Government's report was submitted to the Simon Commission in the year 1928, two of the Ministers had resigned having declined to co-operate with the Commission and the third Minister was not consulted and on his admission made in this House in the following year did not ask to be consulted. Therefore the Government's opinion that was laid officially before the Simon Commission was the opinion of the Governor in Council. And what did the Governor in Council say on this point? This cannot be dismissed as an expression merely of the hope or the expectation of earlier years: this was written in 1928—six years after the new system was introduced. The Government wrote: "There are those who hold that a return to the old system (that means the old auction system) would immediately result in a large increase in revenue without in any way increasing the consumption of liquor. The view taken by this Government, however, has been that licensees paid such large sums for the shops that they would not by honest dealing gain even a moderate profit, with the result that decent men would not bid, and that it was worthwhile sacrificing some revenue to obtain a better type of licensees, who having only to pay fee based on sales can afford to remain honest and not sell adulterated liquor. The present Excise Commissioner reports that there has been a marked improvement in the status of the licensees under the new system."

The Governor in Council says further: "There is no doubt that the duty has increased the retail price beyond the means of the average man. Recent inquiries made by the Excise Commissioner have led him to think that facilities for obtaining liquor owing to closure of shops and shorter hours of sale have also checked consumption to a large extent." The conclusion then is that while it is impossible to assess the exact influence of each factor, it seems certain that the social reform movement, economic pressure and restrictive measures have all had a greater or less influence in causing the large reduction in the consumption of licit country liquor. There has certainly been a considerable increase in the illicit article—a matter which is at present occupying the attention of Government, but"—I draw particular attention to these concluding words—"but" the Governor in Council said "there is no reason to believe that such increase has been sufficient to counterbalance the enormous decrease in the consumption of licit spirit." Between 1928 and 1932 what are the new facts, the new figures gathered by the Government or as the department for the Government which justify the Hon'ble Minister in saying that the apparent increase of consumption shown by figures of licit consumption was more than counterbalanced by the undetected increase of illicit consumption, that therefore there had been no moral gain to people whereas there had been loss to Government revenue. I submit, Mr. President, on such evidence as Government themselves have furnished to us from year to year right up to the time this new policy was introduced last year, that the entire body of official evidence pointed in one only direction, namely, that notwithstanding the increase of illicit distillation the amount of consumption had fallen and that the surcharge system was in every respect a decided improvement

upon the old auction system. The detailed opinions were all cited by me in my speech made in the month of June, and it would be an abuse of the indulgence of the House if I were to repeat from my speech the same opinions today. I would not do that, but I assure them that there is not one recorded official statement to support the Minister's criticism of the manner in which the surcharge system worked—there is not one. On the contrary, not merely the tendency of official testimony but unanimous official testimony was in support of maintaining the surcharge system and of improving administrative methods in order to check illicit distillation so that the surcharge system might yield the maximum benefit to the people, and not one of them even indirectly or inferentially recommended to Government a reversion to the old discredited system. Next the Hon'ble Minister proceeded to attack the surcharge system. It is extremely complicated. It lends itself to abuse of various descriptions. It had had a trial, a fair trial, for ten years. The expectations formed of it had not been realized. It is no argument that because it worked satisfactorily for six years, or until six years ago, that it is still working satisfactorily. These are his statements. The surcharge system may be an extremely complicated system, but, Sir, most serious businesses in life are complicated. The management of a cotton mill is a very complicated business. To conduct the affairs of half a dozen departments as Minister is a very complicated business. The superhuman brain of the present Minister of Excise may find Government business to be very simple as compared with the business of managing the surcharge system, but the ordinary man whose composition is not like unto his, cannot share the opinion that for the officials of the Excise Department to conduct the surcharge system is a more complicated and difficult affair than for a Minister to run half a dozen departments of Government. Either on his own or as a smoke screen for others sitting behind him, he said that the surcharge system worked satisfactorily until six years ago. I reaffirm on the testimony of every Excise Commissioner, right up to the present one—I cannot include the present one, the reason is obvious—on the testimony of every single incumbent of that office that the surcharge system has worked satisfactorily. Some Excise Commissioners and some District Officers employed the language of enthusiasm in commending it to the Government. From where has the Hon'ble Minister got his evidence that this system worked satisfactorily only until six years ago, but has not worked satisfactorily since then? The passage that I have quoted from the despatch of the Governor in Council to the Simon Commission is only four and a half years old and not six years old. I quoted in my speech of June from excise reports of later years than 1928 in confirmation of the opinions expressed then. The Hon'ble Minister then uttered a sentence which was not at all helpful to his case. He said there had been various contributory causes to the growth of illicit distillation. If there have been various contributory causes, then why lay all the blame at the door of the surcharge system? Find out all these contributory causes and take steps to meet them.

Then the Hon'ble Minister made great play with my criticism that the new system was introduced surreptitiously. First of all

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he fell back upon that famous organization called the provincial excise board or committee, of the very existence of which we have to be reminded once in two years, and said that that body had unanimously approved of the changes. This Legislative Council it was not his business to consult, it was not his business even to inform. In matters like this the Council had never been consulted before, for example in the change from auction to the surcharge system he said that by a single stroke of my pen, without reference to anybody I made that tremendous change. What are the effects?

The Hon'ble the Minister for Excise : I corrected myself, I think, there.

Mr. C. Y. Chintamani : I will not recapitulate at length the whole history, because the facts themselves constitute the answer. In March, 1921 the appointment of the Excise Committee was announced in the Council. Its terms of reference were mentioned. One nominated and two elected members of the Government were among the members of that Excise Committee. The Committee carried on investigations for more than six months. It submitted a report to the Government, and Government instead of sitting in judgment on the Committee's report and recording decisions forthwith, published that report for general information. They allowed no less than 4 or 5 months for criticisms of the report by members and the public bodies including temperance associations. After that long interval they published a resolution in the *Gazette* in time for it to be discussed and criticized in the Council during the debates on excise policy and administration in 1922. This was what the Minister described as the effectuation of a tremendous change by one stroke of my pen, and by contrast with this despotic act of mine, to the public telling nothing, keeping the Council in the dark, giving no time to people to express opinions on a report which was pigeon-holed in the Secretariat and never published, and sending a resolution secretly to officers without even letting it be known to the public—is his method which is above board, and gave the public the fullest opportunity of criticism! He met the Council; he was *mum*; he would not tell the Council anything. He has described my policy as "*mum*." Let the members of the Legislative Council from 1916 onwards say whether my policy has ever been *mum*. He utters not a word to the Council; he issues no communique; he publishes no resolution; he invites no opinion or criticism from anybody; it was left to newspaper correspondents to ferret out the secret and to let the public into the know of what was being done behind the scenes in the way of a radical and wholesale change of the policy of the previous ten years. This is all above board, whereas what was done in 1921—22 was all done by a mere stroke of the pen: Well, if there is anything which lends itself to the description of "abuse of language," what the Hon'ble the Minister has said on this point is most emphatically that.

Something was very wrong with the surcharge system, the Hon'ble the Minister said, because under that Government revenue was unnecessarily sacrificed. What is the meaning of this word "unnecessarily"?

Is it meant that so long as any revenue can be collected without the employment of force, without riots and other disturbances, then the sacrifice of that revenue was "unnecessary sacrifice of revenue"? Or did he mean that without producing the intended result of reduction of consumption Government lost revenue? If the latter was what was meant, as I suspect he did (*The Hon'ble the Minister of Excise*: "Yes."), then I submit that my reply was given to him in anticipation of what he was going to say by the whole official literature upon which alone I have relied in my advocacy of this cause. While under the surcharge system Government revenue was unnecessarily sacrificed, the auction system has all a beauty of its own, because the best way to assess the market value is to put a shop to auction. Most certainly make the maximum of revenue; put the shop to auction; there will be a number of bidders and as the Government themselves recorded in previous years they go on overbidding one another and the shop is knocked down to the highest bidder without reference to the quantity of probable legitimate sales and to the amount of probable income from the shop and the man who takes the shop is obliged to resort to other means, legitimate or questionable, to push up the sales in order that he may be able to earn enough to recoup himself for what he paid to Government and in addition to make a small profit. That is the auction system. That is how the auction system has worked everywhere. This is the description given of it for more than two generations by every temperance reformer and every temperance organization in England and in India. And on this auction system, which to the Hon'ble the Minister is such a beautifully simple thing because you have only to put a shop to auction, what did the Government say? The Government wrote: "The auction system has long been condemned by public opinion and the Committee concur in that condemnation. The Governor acting with his Ministers is convinced that in the present case public opinion is right. The forward path of Indian excise administration has been strewn with the wreckage of monopolies, and it is time that this (the auction system) which embodies the last and most evil of all monopolies should go." I have got an illustration of how the auction system works even from the experience of the last few months. I am obliged to withhold the name of the complainant, for if I give out the name he will never get another shop in any auction or by any other means, because he has supplied the munitions to their critic. Therefore I must withhold the name. This is what one licensee who obtained a shop at an auction last year was obliged to write soon after: "I secured the licence of the country liquor shop at the last auction for Rs.4,000 in the last month of May, 1932, which is a month of Hindu marriages. With all my endeavours (these words will be noted) 107 gallons were sold. Calculated at an average of Re.1-8 per bottle, the sale-proceeds from 107 gallons come to Rs.963. This quantity I got for Rs.670, and I have to pay as a licence fee Rs.371 per month. The total loss, excluding the working expenses per month, comes to Rs.78 a month, if by my continued efforts I maintain up to March 1933, the quantity sold in May 1932." He adds that soon after he was given this licence for Rs.4,000 a

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licence was given to another man to open another shop within three or four furlongs of his shop. That auction licensee began to undersell the present man by selling at the rate of Re.1-4 per bottle as against Re.1-8 of the first man. This increased his loss, and therefore the man has applied for compensation for the loss he sustained on account of bidding so high for the shop. This is not a solitary case. I was seen at Allahabad by a number of licencees, who purchased shops at auction. They said that they made very high bids in competition. They were led to hope that they would make profits, but the sales had been discouraging. They had actually sustained a loss, and therefore I must be their spokesman and urge the Government to reimburse them for the losses they had sustained. I could only tell them that they had come to the wrong man. These facts establish the point that the essential vice of the auction system is that the shop is sold to the highest bidder, who in order to reimburse himself for what he paid to the Government and to make some profit is obliged to push up sales by every endeavour, as this candid licensee wrote in his application, and the existence of such men depends upon the success which attend their efforts to make more and more people drink and drink more and more. This is the essence of the auction system. Any single person who has a doubt about it has only to spend a little time in perusing the vast mass of literature upon this subject which has accumulated during the last forty or fifty years, and if he emerges from that perusal with a single doubt upon this point, either I shall have to compliment him for his exceptional intelligence as in the case of the Hon'ble the Minister, or I shall have to commiserate with him for being so stupid. The Hon'ble the Minister has not heard a single complaint that drunkenness has increased. It may or may not have increased. All cases of drunkenness are not reported to the Hon'ble the Minister. That consumption has increased the statistical statement which he has placed on the table today does show. . . .

The Hon'ble the Minister for Excise : It does not show.

Mr. C. Y. Chintamani : The Hon'ble the Minister claimed that the line of least resistance for him would have been to let things go on, but duty compelled him to act differently. We know the Hon'ble the Minister. Whatever else he may be he is not a coward. He is not an indolent man. He is full of activity and of courage. But we sometimes could wish that he had a little less of that quality. He is very clever, but we could wish he were not so over-clever. He certainly would not follow the line of least resistance. Duty compelled him. Much depends upon how one sees one's duty and what one's conception of one's duty is. I daresay that weighted down by the responsibility of office in a lean financial season, when the Finance Member with all retrenchments effected by Ministers and with new taxation, was still unable to present a balanced budget, the Hon'ble the Minister, upon whose single unaided pair of shoulders rests the entire weight of the British Government in this province, thought it his duty to come to the rescue of his senior colleague and present him with additional lakhs by making a change of excise policy. If he had thought less of the

immediate necessities of the Government of which he is a Member and more of the tens and of hundreds and thousands of people who would be affected by the change of policy, then I daresay duty would have pointed out to him another direction altogether. Duty would have pointed out to him the necessity of tightening up excise administration so as to deal with the evil of illicit distillation and of acting in the letter and the spirit in accordance with the policy affirmed and reiterated by the Government so often, so that the results might be still better than what they had been.

After expressing the hope that the Council might not be influenced by the comparatively harmless appearance of the resolution, the Hon'ble Minister turned to honourable Muslim members and made an appeal to them. He must have been troubled very much in his mind as to how those honourable members might vote in the division. Therefore he assured them that their religion had nothing to do with this matter, that this resolution was not a resolution for total abstinence. Therefore he hoped that they would not on account of their religion be compelled to support the resolution. But they can also ask themselves one thing. I cannot undertake to instruct them as to what their religious injunctions are . . .

Mr. Zahur Ahmad: Prohibition.

Mr. C. Y. Chintamani: The Hon'ble the Minister may be very well informed of what the religious tenets of Islam may be, and he may be justified in instructing them as to what their religion did or did not require. As a humble and modest individual I confess my ignorance of what precisely the tenets of Islam do or do not require, and I am content to leave it to them to decide that matter of religion for themselves without non-Muslim assistance. But with regard to what this resolution does or does not do, I am entitled to address one word to them. Assume for the moment that by any secular action, be it of Government or the legislature or unofficial propaganda, you cannot bring about the supremely desired result of the avoidance of all consumption of intoxicants, of their production and of their distribution. In this imperfect world of ours there are so many evils we have got to tolerate, and the use of certain intoxicants by people so inclined is one of them. Then the question is whether it is the part of common-sense to exert to the utmost by one's power to reduce the dimensions of the evil or to encourage its growth. There is an old saying of which Mr. Gokhale was very fond, "the best is the enemy of good". Because it is not given to man to attain divine perfection, does it follow that he must delight in wallowing in the mire instead of seeking to improve himself, reduce his faults and increase his virtues. Granted that this resolution is not a resolution advocating prohibition, and I repeat that Government have no other means of bringing about total abstinence except by a law of prohibition, I ask honourable Muslim members, as well as non-Muslim members, to put this question to themselves—whether they would be doing better public service by supporting a resolution which advocates methods of excise policy and administration which were demonstrated in the past to bring about a reduction in the evil of drink and drugs, or whether they should support the Government in their reversion to the earlier

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system which had yielded a bad crop of results and which therefore had to be abandoned. Let them ask themselves what their first concern is, whether to support that which did lead and which will lead to a reduction of the evil, or to share the Hon'ble Minister's conception of duty to add to Government revenue? If they are inclined to commiserate with the Government in their financial position, let that large body of honourable members who voted against every demand of supplementary grant in the month of November last, ask themselves whether it has been their policy to let Government have their full revenue on every occasion or to take into account the totality of the circumstances in order to make up their mind on any particular subject. They have shown on many occasions, by their support of the excise policy itself—not the Minister's excise policy but the previous ones, by their declarations and their votes that while they would certainly assist the Government in getting an adequate amount of revenue for the needs of the administration, they are not in the least oblivious of higher considerations of public welfare. I hope they will look at the question from this point of view and then make up their mind whether they will listen to the Hon'ble Minister's appeal or to my very much humbler appeal.

Almost all provinces have gone back to the auction system is the Hon'ble Minister's apology, no wonder. The system of government in almost all the provinces is very much akin to the system of Government here which has made possible a reversion to the auction system. When did we on this side—I do not refer to the member for the United Provinces Chamber of Commerce—express ourselves so fascinated with the constitution or composition of other provincial Governments, and with their systems of administration, that it is an argument that should carry weight with us that because other provinces have erred, therefore we must also err. Then the Hon'ble Minister clinched the argument by looking at me and saying that Madras has led the way. I said in my speech in June last, that speaking as a Madras I was ashamed of the enormous amount of excise revenue in the Madras Presidency. I myself mentioned this in the speech and I did not leave it to be flung in my face by the Hon'ble Minister that 30 per cent. of the Government revenue of Madras was derived from excise. As if I were responsible for that. In any case it is no news to me. But if the Hon'ble Minister, forgetting his domicile for once, becomes so madly fond of Madras as to desire to follow the lead Madras gives, why did he not answer the question I put in June as to why he did not look up to Madras in regard to so many other matters? Just the other day the lady member of this Council advocated with great ability and earnestness the cause of women's education. If the Hon'ble Minister had compared the figures of girls' schools in Madras and the United Provinces, the enrolment, the expenditure, the proportion of the public revenue that was given to women's education, if he had compared these two sets of figures, then Mrs. Srivastava's worse half would have discovered that it would not do for him to ask people to look in the direction of Madras. It will be a source of trouble, as Madras shows here that it is a source of trouble.

"The prosperity of Madras is due to excise revenue" says the Hon'ble Minister. He means the prosperity of the revenue of the Government of Madras. The prosperity of the revenues of Government is very different from the prosperity of the people of the province. If the United Provinces Government make a certain number of crores of rupees from land revenue, will the honourable landlord members of this House agree if one interpreted that as meaning the great prosperity of landlords at the present time, or will they ask that man to read the debates in Council and the hell of a trouble which they were giving to Government in order to get remissions of land revenue, as they were unable to collect rents, as their economic condition was bad and as the Government had no business to enrich themselves and collect revenue by causing misery among landlords and tenants alike? But assuming that the prosperity of Government is due to excise revenue, I would say that it is accursed prosperity which would bring the mightiest to ruin.

Then the Hon'ble Minister referred to the loss the Government had sustained by having to make remissions of revenue, and he appealed to a sympathetic chord in our hearts by speaking of the expanding needs of the nation-building departments. For which reasons he said he could not afford to lose revenue.

To what extent revenue is being applied to the expansion of the nation-building departments, in what directions retrenchment has been most active, let the history of these provinces of the last two years demonstrate. Take up the report of the Retrenchment Committee set up by the Council, let honourable members run their eye through their many recommendations and then come forward and say whether the measures of retrenchment which the Committee was most keen upon and which the Council was most keen upon, have been effected, or other reductions made which the Council and the Committee would have gladly done without if possible, have been effected. Look at the cost of administration, the cadre of the Indian Civil Service, the number of Commissioners, the strength of the all-India cadres of various other departmental services in the Province. Consider all the economies they have effected there, recall the debate on the exodus to the hills during the last few days in this House. Government would postpone their departure by one month. That would effect tremendous economies; and if the Council will forego a session at Naini Tal, that will be all right. As if we ever begged the Government to hold Council sessions at Naini Tal. The resolution had bigger purposes in view. If the Hon'ble Minister tells us that he and his colleague have been so very anxious during the last two years of financial stringency to avoid retrenchments in beneficent nation-building services, and for that purpose they want this increased revenue, even then we would object owing to the nature of this revenue and to the artificial attempts that are being made to push it up in the most objectionable manner.

Lastly, he spoke of the unwisdom of forcing temperance on the Province. I could not help smiling at the phrase "Forcing temperance on the Province." The people are anxious to drink and to drink

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and to drink, anxious for salvation through drink, according to the old saying *Pitwa Pitwa Punah pitwa yawat patati bhuta'e, whitaya cha punah pitwa punarjanma na vidyate*. Drink, drink and drink until you fall on the ground senseless ; when you regain consciousness, get up, drink again until you have attained salvation and are free from birth and death. The foolish people in this Province have an incurable habit of drinking, drinking and drinking. And here is this mighty reforming Government pledged to total abstinence caring for nothing but moral considerations, were forcing upon these reprobate and unregenerate people virtues which were beyond them. The Hon'ble Minister says there is no use forcing temperance upon an unwilling Province, therefore they are carrying on official propaganda. Propaganda there was before. There are any number of temperance and other associations engaged for years in carrying on propaganda. These temperance associations have lent no support to the policy of the Hon'ble Minister. During the last few weeks several temperance associations, which include a number of missionary and other unofficial European ladies and gentlemen, met, discussed the new policy and passed resolutions disapproving of it and giving their support to the recommendations embodied in the resolution now before the House. The Hon'ble Minister has made, I doubt not, the best effort of which he was capable to defend the indefensible. I have no doubt we are all impressed by the length as well as the earnestness of the effort, and if he could not carry conviction to our minds, the fault is with the cause which he essayed to advocate, not with any lack of will on his part. But the result is there, that the defence which he has uttered in so far as it could carry conviction to thinking minds could not possibly be feebler.

I next refer, before resuming my seat, to the speech made by the honourable member for the United Provinces Chamber of Commerce. The honourable member has an elastic and progressive mind ; that his mind moves very freely with the inevitable result of bewildering rapid changes of opinion is not a matter against which we can complain. But there are things said by the honourable member which call for a reply. He quoted extensively from speeches made by him and by me in the years 1921 and 1922. He said he put forward the doctrine of no revenue, no consumption, and that he suggested that Government should close down as many shops as possible. While he did not want revenue because he did not want consumption, the only concrete proposal he made to Government in 1921 and 1922 to bring about that result was to close down as many shops as possible. This was precisely what was done in 1922 and the following years, as a perusal of the Government resolution would show. Then the honourable member philosophied a bit. He said the outlook of a non-official member was entirely different from his outlook when he became a minister. This is a hit at me from my speeches of 1921-2. I have not re-read those speeches, but have attentively heard every word that was quoted by him. It is fair to assume that the clever and experienced advocate as he is, he would have selected from those speeches of mine the passages which he thought would be most damaging to my cause and would be most

helpful to him. Therefore it may be taken that nothing worse could be found in those speeches. But, Sir, my withers are unwrung. Having heard those passages read I felt a sigh of relief that there was not one word or one syllable which I uttered then as Minister responsible for Excise policy which I am not prepared to utter now as my own as a non-official member. If, however, there are some non-official members who require to be bribed by Government with the office of Minister with the high salary it carries in order to change their mentality and outlook, it is a matter for congratulation that there is at least one colleague of ours here who though continues to sit on the front opposition bench has so far changed his mentality during the last 1½ years as to out-minister ministers without getting the opportunity of becoming a Minister himself. On this acquisition of a disinterested advocate on their side the Government certainly deserves hearty congratulations from those who are occasionally led to sympathize with them for lack of able advocacy, not for lack of votes,—they have them in plenty. And here is the most senior advocate of one of the most important districts of this province. A man who has attained great prominence in his profession. Without having been briefed possibly he is prepared to give the Government, free and gratis, the enormous benefit of his advocacy of their cause which in ordinary circumstances he would not have been expected to espouse. On this the Government may be congratulated. The honourable member for the United Provinces Chamber of Commerce has brought to my mind as he was speaking a remark made by the late Earl of Balfour in the House of Commons with regard to lawyers. There was a debate in the House in which an eminent lawyer, who was the Secretary of State for the Colonies in his own Government, and another eminent lawyer who was the Attorney General, took a view different from that of the Prime Minister. It was a question which it was agreed to treat as a non-party question. There was an unusual spectacle of members of Government and members of the Opposition promiscuously supporting and opposing one another without reference to party ties. There it fell to that master of dialectics, Mr. Balfour as he then was, to reply to Mr. Alfred Lyttelton and the Attorney General. He said that it had been his hope that lawyers by reason of their life-long training and daily practice would throw light on the dark corners of a subject which they handled. Instead, it had been his misfortune repeatedly to find that lawyers as often as not darkened counsel. Here is the case of a veteran lawyer who in solemn accents ventured to assure this unlearned House that my resolution had nothing to do with the excise policy. No? Then with what has it to do? With Timbuctoo? Or with the United Provinces Chamber of Commerce? Then, Sir, according to him it was my duty to come out with constructive proposals for raising revenue. May I know how it was my duty to come out with constructive proposals for raising revenue?

Rai Bahadur Babu Vikramajit Singh: On a point of personal explanation. I never said that. What I said was that if my honourable friend had moved a resolution for total abstinence and there

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was a constructive proposal for raising revenue, I would have supported him on that.

Mr. C. Y. Chintamani: What my proposals are and what they are not, I have explained already. He said it would have been my duty to come out with constructive proposals for raising revenue if I had proposed total abstinence. If it would have been my duty to make constructive proposals for raising revenue, in case I advocated total abstinence, it must also be my duty to make similar proposals when I advocate measures which will lead to a fall of revenue only. The constructive proposals I would have to make in the present instance, as I am not advocating total abstinence, would not have to yield such large revenue as if I had advocated total abstinence. He cannot escape from the argument that he laid it upon me as an obligation, when I advocated a policy which would mean a fall of revenue, to make constructive proposals for raising revenue. Without thanks I decline the invitation. The honourable member's observation betrays a gross misconception of the position of the Government and of non-official members, respectively. I am buttressed in this statement of mine again by an illustrious precedent in the House of Commons. The late Lord Bryce when he was Mr. James Bryce was leading the opposition to the Education Bill introduced by Mr. Balfour in 1902. Mr. Balfour complained that Mr. Bryce had not made constructive proposals as the alternative to the policy of the Government. Mr. Bryce said, "What are you there for? My business here is to examine the proposals which you as Government make. When I become Government, it will be my business to come forward with my proposals." It is not our business at all to collect figures which are never published by the Government or to tell Government how to raise more revenue in order to increase the number of Commissioners I suppose. That is not our business. It is not what we are here for. The honourable member himself from time to time made several speeches in the Council on settlement and other subjects. What constructive proposals did the honourable member for the United Provinces Chamber of Commerce make for raising revenue? On the other hand it was his plea that there should be no new taxation; there should be retrenchment and economy. He may have learnt better since then, and he may have reasons of his own, but it is not my fault if I cannot keep pace with his mercurial changes of opinion.

Then he said that it was for Government to determine which system would bring more money and not for the Council. Does the Council in the first instance accept the implication of this dictum by this ex-temperance-reformer, that the raising of money is the principal object of this Excise Department? In the second place, if the proposition is that it is for the Government to decide which is the best system of raising revenue, then why did he ask me to come out with constructive proposals for raising revenue? In the third place, suppose the Government tomorrow decide upon methods of raising revenue which will hit hard the zamindars, the industrial classes as well as the professional classes, will the honourable member stand in his place and say, "it is for the Government to decide which is the

best method of raising revenue; it is not for us to say "Nay"; it is for us to do and die?" Then the honourable member had the hardihood to declare that there was no evidence that the surcharge system was better than the auction system from the point of view of temperance. I deliberately said he had the hardihood to make this remark. I do not blame the honourable member for being so buried in briefs that he cannot get time to read the annual reports of the Excise Commissioner or the Government administration reports and other relevant literature. But if he could spare a little time from his profitable occupation and acquaint himself with recorded facts, I am quite certain that he will regret having made this sweeping and utterly unfounded statement today. He next quoted a passage from a speech of mine in which I said that the reduction of consumption recorded in the year 1921-2 was not due to permanent factors. He said "genuine reduction." In the context it will be seen that the reference was to the mighty influence which extraordinarily vigorous Congress picketing of liquor shops in 1921 produced upon consumption and revenue in that year. The Council will find reference to that in Excise Commissioner's reports and Government administration reports. I am not prepared to put on sack cloth and ashes for what I said because what I said was the truth. Such vigorous picketing of liquor and drugs shops cannot be a normal feature of life, and to the extent that the reduction of consumption in the year 1921-2 was brought about by that temporary circumstance of a very vigorous Congress picketing of shops, to that extent I did no more than state the fact when I said that it could not be regarded as a permanent factor making for permanent reduction. I do not know what is there in that statement that tells against me. Then he made a most curious complaint that the recommendation of the Pim Committee for increase of staff was not carried out and he was pleased to characterize the omission as a great mistake. He forgets that the Government pointed out that they had consulted the Excise Commissioner, the Assistant Excise Commissioners, and revenue district officers on the proposal of increase of staff and the Council will find it recorded in the Government resolution that none of them wanted this increase of staff. The Government left it open to themselves to increase staff to the extent to which it might be shown to be necessary. The Governor in Council in 1928 told the Simon Commission that once they came before the Council with a demand for grant for increase of excise staff and the Council readily voted that demand. The Council had never shown hostility to such increase of staff as Government were satisfied was wanted. In 1922 the Government were confronted in Council by a motion that the post of Assistant Commissioner should be abolished outright—not that the number should be increased but that the post itself should be abolished. The Government resisted that motion. The Government were ready to increase the staff when necessary, to the extent necessary, where necessary. If the honourable member thought that in 1922 the Government were so wholly to blame for not straight away increasing the staff enormously as the Pim Committee had recommended, what was he doing then in his numerous excise speeches? Did he raise his voice in favour of increase of staff? The Council may

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read those speeches. I am quite sure they will find nothing of this sort. The next statement made by him was that on the report of its officers Government considered that the surcharge system was not the right system. On the report of what officers? Whose officers? Was any report published? Did the Government say that they had taken action on the reports of any officer? Was any investigation made by any officer? If there were such reports, the honourable member must have been allowed to have a private look at them in order to help in his advocacy of the Government's cause.

Rai Bahadur Babu Vikramajit Singh : No.

Mr. C. Y. Chintamani : It is my complaint that there was no such report; there was no such investigation. The honourable member said that between the surcharge system and the auction system the difference was a difference between six and half a dozen. I congratulate him on this discovery. It has been said that the worst of great thinkers is that they at times think so wrongly. And if as a result of 12 years of activity in this Council and of many speeches on excise policy and of all that has been said in the course of this very debate the honourable member for the United Provinces Chamber of Commerce has reached the profound and original conclusion that the difference between the auction system and the surcharge system was the difference between six and half a dozen, how great must have been the idiocy of the Indian Excise Committee of 1905 which favoured the surcharge system, of the Pim Committee of 1921-2 which had to make an extensive investigation to reach that conclusion and of the Indian Taxation Inquiry Committee of 1925, which also favoured the surcharge system? But lastly, why did the Hon'ble the Minister, instead of following the line of least resistance make any change if it was only a change from six to half a dozen? The Hon'ble the Minister has made a statement in private more than once that business knows no sentiment. He is a hard-headed business man and surely for the sake of sentiment he would not have substituted half a dozen for six. He would not have substituted the auction system for surcharge if he shared his supporter's opinion that the difference between the two was nothing more than the difference between six and half a dozen. The honourable member for the United Provinces Chamber of Commerce wound up by blessing—it may be nothing but a coincidence for which he is not to blame, on the other hand it is a coincidence in which I am very keenly interested—he concluded his speech by blessing precisely those parts of the resolution which the Hon'ble the Minister had announced the Government would accept, and he found objection precisely to those other parts of the resolution which the Hon'ble the Minister had condemned. I will not make a comment.

Sir, the Hon'ble the Minister referred to the statistical statement placed on our tables this morning. In my question I also inquired what was the number of shops before and the number of shops now. There is no statement here of the number of shops. Now on the 14th of June adjournment was obtained in order that Government might be able to collect data. They have taken eight months to

collect the data and here they are. I do not know whether it was a case of premature delivery or forced delivery or whatever it was, but the result of the 8 months gestation of the Government and their Excise Commissioner is not much more creditable or impressive than that which is said to have been produced by the mountain in labour. The figures of this statement completely confirm the criticism I have uttered of the Government Excise policy. Just see. The first statement is on consumption of country liquor. The auction area consists of 16 districts, the surcharge area still includes 32 districts. In the 16 districts the increase of consumption has been 74 per cent. in 1931-3, and 41 per cent. in 1929-30. In the surcharge area the respective figures are 66 and 28. There was increase in the surcharge area, but the increase is more in the auction area. But the figures mean more when it is remembered that the number in the auction area of districts is only a half of the number in the surcharge area. Next, the figures of licence fees are shown. Duty—
 auction area: increase of 29 per cent. surcharge area: increase of 24 per cent. I have already stated how auctions yield more money and why Government are fond of them, what is their demoralizing effect. As regards licence fees in the auction area, the Government have got an increase of 142 per cent., whereas in the surcharge area they lost 12 per cent. The total revenue in the auction area: they have got increase of 63 per cent. and 34 per cent. whereas in the surcharge area there was a reduction of 12 per cent. in one year and an increase of only 13 per cent. in the other year. These figures prove one thing, if they prove anything at all. Granted that the Government's excise revenue cannot come from the air—the Government's revenue can only come from consumption—these figures conclusively demonstrate beyond the possibility of any serious reply that where the auction system has been reverted to for the sake of revenue the object has been attained, and more revenue has flown in but at the cost of the health and the morals of the people. The last table is very illuminating—offences against excise laws—45 per cent. in the districts where the auction system prevails, and only 15 per cent. in the 32 districts where the surcharge system prevails. The Minister said that for every one case detected there were ten undetected. There may be more than ten cases undetected, but when the Excise Commissioner in June last wanted to impress the Council with the hugeness of the evil of illicit distillation and told the Council of the ingenious resourcefulness of the illicit distiller, there was one observation which came to my mind and which I may utter now. Naturally, if you generalize from a few sensational cases which come to the public knowledge, the conclusion must be that the whole administration is rotten. In the annual report of the Inspector General of Police, particularly in the section under dacoity or counterfeiting coins, sometimes under murders, illustrations are given of a number of cases which caused particular difficulties to the Department and which its officers were either able to overcome or in which they failed because of the exceptional nature of the difficulties. Will the Inspector General of Police plead guilty to the charges if made, that the few illustrative cases related in his annual report are typical of what

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happens in the day to day life of the province as a whole? What will be the inference to be drawn therefrom of the nature of police administration in the province? If the raising of revenue is the only criterion and if the failure of the administration to cope with the evil of illicit distillation is to be followed by the abandonment of a system which had been appreciated and applauded by official after official, then the suggestion made by my honourable friend the member for Etawah that in auctions may be sought salvation, need not be limited to cases of gambling; it can be made of more extended application, enormously to the convenience of Government and much to the advantage of the Hon'ble the Finance Member. I solicit the Hon'ble the Home Member's attention to what I am going to say. As the annual report of the Inspector General of Police, particularly the statements appended to the report, unmistakably show that the police of the province, with all the good they are doing, with all the effort which they are capable have failed to cope with the magnitude of the evil, as there is a large percentage of cases of every form of crime which go undetected and also a large percentage which after detection go unpunished, therefore the Home Member might try the simple expedient. Why face criticism here of the growth of police expenditure. Let him say that in order to defeat the purposes of elusive criminals Government will put up to auction the various classes of crime in town after town and district after district. In the city of Lucknow, which is the foremost city in respect of population in this province a certain amount might be expected from the auctioning of theft, of robbery, of burglary, of murder still they will require an administrative staff for realizing the amounts accepted in the auctions and for other necessary duties. In order that that may not be a net charge on the revenues let the Home Member proceed farther and put up to auction the posts in the Police Department. Constables so much, sub-inspectors so much, circle inspectors so much, deputy superintendent, district superintendent and a mighty price can be realized for place held by my friend Mr. Hollins. This administrative method is the most simple. I am quite sure that the Hon'ble the Minister and the Hon'ble the Home Member who would put it forward, would get most eloquent support from the honourable member for the Chamber of Commerce, for this most novel and original revenue-raising device.

Sir, the Government in the speeches of the Excise Commissioner and the Hon'ble the Minister for Excise after the best effort they could put forth in support of their cause and notwithstanding the unofficial advocate on this side, have failed to make any impression on the facts or the arguments which I placed before the Council in June. After all that they could say in favour of this change the conclusion is irresistible that on the merits my resolution holds the field. I read the other day, fortunately it was an Englishman who said it that the policy of the Government of India can be crystalized in this phrase - the maximum of revenue in the minimum of time. I will venture to add, by the easiest means. Let the Council, which has stood up for the oppressed, which has stood up for tenants, which has stood up for landlords, which has pleaded against new taxation,

which has pleaded for reduced expenditure, which has pleaded for temperance reform, which wants total abstinence which wants the people to be more healthy, more strong, more flourishing, better educated,—let the Council with a full realization of the duty of every member to its constituents, and through them to the province,—decide whether it will give a charter to the Government to go and get revenue at the cost of any amount of demoralization and impoverishment of the people, or whether it will be true to what it did whenever this subject came up and stand up for right against might and see that this insidious and harmful policy is not allowed to go on unchecked.

The Hon'ble the Minister for Excise: I am not going to make a long speech at this late hour. Moreover, Sir, I cannot reach those oratorical heights which Mr. Chintamani reached when winding up his speech. I will only refer here to three or four of his criticisms of what I said in my first speech.

He still does not agree with me that there has been no change in the excise policy of the United Provinces Government. If he will not be convinced, I cannot convince him, but I think that I made it very clear that we still stand by the policy which was laid down by my predecessors. There has been a change only in method. If I can show that by the auction system I can implement that policy which has been laid down for my guidance by the Council, I should not be blamed. That is the crux of the question. Why does Mr. Chintamani want to prejudge me? I maintain still with all the emphasis at my command that the auction system will not increase the total consumption of liquor. I lay stress on the word 'total,' and that is, after all, the main criterion of ascertaining whether we are promoting temperance or not. Mr. Chintamani's speech has been full of the question, "What did the Government say?" That has been the burden of his song, if I may be permitted to say so. Well, Sir, I have already said in my first speech that various Members of Government, Excise Secretaries and Excise Commissioners honestly believed at that time that the surcharge system was going to promote temperance and was not going to result in the evils which we have now detected. Cannot we live and learn? Cannot we benefit by experience? Mr. Chintamani has not stated, of course, that the opinion which they held in the past is true today. We have definite evidence in our possession—and we have placed some of the figures before the House—to show that illicit distillation has increased so much that it is entirely wrong to say that the reduction in the consumption of licit liquor which has taken place is any indication of the gain to temperance. Mr. Chintamani has taken me to task for referring to the policy which he enunciated in 1921 and not for stating at the same time that he had changed that policy in March, 1922. Sir, there is no doubt that what he says is technically correct. In March, 1921, he stated that the policy of the Government "was maximum of revenue with the minimum of consumption", and as a result of the report of the Pim Committee he changed this policy and enunciated a new policy which, as quoted by him, was "Subordination of considerations of revenue to the promotion of temperance." Well, Sir, I do not know what is the difference between

[The Hon'ble the Minister for Excise]

the two policies. To my lay mind the meaning seems to be clear. We have to make revenue, but we should not make it at the expense of temperance reform. That exactly is our policy today, and so the House will see that I am still loyally carrying out the policy laid down by my worthy predecessor, Mr. Chintamani, in 1922.

Mr. Chintamani has referred in most eulogistic terms of Mr. Gibb, but he has failed to refer to what Mr. Gibb stated about the surcharge system one year after it was introduced. Mr. Gibb said in his annual report for 1922—23, the very year in which the graduated surcharge system was introduced, that illicit liquor cases had increased from 461 to 894 or by 93 per cent. Mr. Gibb further emphasized the obvious results to be expected from a high tariff and severe curtailment of licit supply. Well, Sir, barely twelve months after the introduction of this much-praised system Mr. Gibb had found out that it had resulted in the evil of illicit distillation.

Mr. Chintamani has made several references to the excellent speech which my friend, Rai Bahadur Babu Vikramajit Singh, delivered this afternoon. Doubtless Mr. Chintamani has cause to be angry with him.

Sir, I will not take up any more time of the Council. I maintain that the mover of this resolution has failed to establish the charge he has been pleased to level at the Government, and I hope that the House will show by its vote this afternoon that the action of Government in reverting to the auction system was thoroughly justified in spite of all that Mr. Chintamani may have had to say.

The Hon'ble the President: The resolution moved was—

“That this Council recommends—

- (i) that the Government do not re-introduce the auction system of the disposal of excise licences, nor the sale of country spirit in open bottles;
- + (ii) that the Government do not increase the number of shops of opium, drugs, and spirits (country and foreign) except where there may be pronounced public demand therefor;
- + (iii) that the evil of illicit distillation should be dealt with by vigorous administrative action;
- (iv) that the repeated declarations of Government policy to subordinate considerations of revenue to the promotion of temperance be implemented by firm adherence to, and a suitable extension of, the policy announced in the Government resolution on the Pim Committee's report.”

As a mixed reception has been given to this resolution I shall put it in parts.

The question is “that this Council recommends that the Government do not re-introduce the auction system of the disposal of excise licences nor the sale of country spirit in open bottles.”

The question was put and negatived after a division, the voting being Ayes, 21; Noes, 59:

Ayes 21.

Aizal-ud-din Hyder, Shaikh.
Balwant Singh Gansiot, Thakur.
Brama Nath, Pandit, alias Bhaiya Sahib.
Brijchand Lal, Mr.
Chintamani, Mr. C. Y.
Dahari, Mr.
Diwanar Prakash Singh, Kunwar.
Hasuman Singh, Rai Bahadur, Thakur.
Jagannath Bakhsh Singh, Raja.
Jang Bahadur Singh Bisot, Thakur.
Muhammad Ibrahim, Hafiz.
Muneshwar Bakhsh Singh, Thakur.

Narayan Singh Negi, Sardar Bahadur, Thakur.
Narsingh Rao, Rao.
Perma, Mr.
Prem Ballabh Belwal, Pandit.
Ram Bahadur Sakseena, Babu.
Ram Chanira, Chaudhri.
Ram Pal Singh, Thakur.
Shakirdad Khan, Khan Bahadur, Sardar Muhammad.
Sri Krishna Dutt Dube, Raja.

Noes 59.

Abdul Hasan, Saiyid.
Arya Prasad, Babu.
Ahmad Saif Khan, The Hon'ble Captain Nawab Sir Muhammad.
Ain-ud-din, Khan Bahadur, Saiyid.
Ali Zameer, Syed.
Arjuna Singh, Chaudhri.
Awach Binari Lal, Rai Bahadur, Babu.
Baldeva Chaudhri.
Bennett, Mr. J. R. W.
Bharios, Chaudhri.
Bhonu Ram, Mr.
Bikram Singh, Rao Bahadur, Thakur.
Birenda Bikram Singh, Raja.
Bisheshwar Dayal Seth, Rai Bahadur, Kunwar.
Blunt, The Hon'ble Mr. E. A. H.
Brij Lal Badhwar, Rai Bahadur, Mr.
Clay, Mr. J. M.
Dor, Mr. S. S. L.
Desanges, Mr. H. C.
Dhakan Lal, Rai Sahib, Kunwar.
Ejaz Rasul Khan, Raja Sir Muhammad.
Fasih-ud-din, Khan Bahadur, Maulvi.
Fazlur Rahman Khan, Khan Bahadur, Maulvi Muhammad.
Frampton, Mr. H. J.
Ghasita, Chaudhri.
Giriraj Singh, Thakur.
Habibullah, Khan Bahadur, Maulvi Saiyid.
Habibullah, Shaikh Muhammad.
Hadiyar Khan, Khan Bahadur, Muhammad.

Hollins, Mr. S. T.
Jafer Hosain, Khan Bahadur, Saiyid.
Jagannath, Chaudhri.
Jagadeva Roy, Rai Bahadur, Babu.
Jaindra Bahadur Singh, Thakur.
Kanta Nath, Babu.
Kharegat, Mr. P. M.
Kushal Pal Singh, Raja Bahadur.
Lane, Mr. H. A.
Liaquat Ali Khan, Nawabzada Muhammad.
Manmohan Sahai, Rai Bahadur, Babu.
Mason, Mr. P.
Medley, Mr. L. M.
Muhammad Yusuf, The Hon'ble Nawab Sir.
Nutt, Colonel H. R.
Phul Chand Mogha, Rai Bahadur, Babu.
Pratap Bhan Singh, Rao Bahadur, Thakur.
Rajeshwari Prasad, Rai Sahib.
Ram Adhin, Chaudhri.
Rama Charana, Rai Sahib, Babu.
Sathe, Mr. J. N. L.
Sheo Pratap Singh, Rai Bahadur, Lal.
Souter, Mr. E. M.
Srivas-tava, The Hon'ble Mr. J. P.
Suraj Din Bajpai, Rai Bahadur, Pandit.
Surendra Pratap Sahi, Rai Bahadur, Kunwar.
Teyen, Mr. C. St. L.
Vikramajit Singh, Rai Bahadur, Babu.
Whitehead, Mr. J.
Zahur Ahmad, Mr.

The Hon'ble the President: I shall now put the second part.

The question is "that this Council recommends that the Government do not increase the number of shops of opium, drugs, and spirits (country and foreign) except where there may be a pronounced public demand therefor."

The question was put and agreed to.

The Hon'ble the President: The question is that the following stand part of the resolution:—

"That the evil of illicit distillation should be dealt with by vigorous administrative action."

The question was put and agreed to.

The Hon'ble the President: The question is that the following stand part of the resolution :—

"That the repeated declarations of Government policy to subordinate considerations of revenue to the promotion of temperance be implemented by firm adherence to, and a suitable extension of, the policy announced in the Government resolution on the Pim Committee's report."

The question was put and negatived, the House having divided as follows: Ayes, 24; Noes, 54.

Ayes 24.

Atzal-ud-din Hyder, Shaikh.
Balwant Singh Gahlot, Thakur.
Brahma Dutt, Pandit, *alias* Bhaiya Sahib.
Brijnandan Lal, Mr.
Chintamani, Mr. C. Y.
Dahari, Mr.
Diwakar Prakash Singh, Kunwar.
Hanuman Singh, Rai Bahadur, Thakur.
Jagannath Bakhsh Singh, Raja.
Jaindra Bahadur Singh, Thakur.
Jang Bahadur Singh Bisht, Thakur.
Muhammad Ibrahim, Hafiz.
Muneshwar Bakhsh Singh, Thakur.

Narayan Singh Negi, Sardar Bahadur, Thakur.
Narsingh Rao, Rao.
Perma, Mr.
Prem Ballabh Belwal, Pandit.
Ram Bahadur Saksena, Babu.
Ram Chandra, Chaudhri.
Ram Pal Singh, Thakur.
Shakirdad Khan, Khan Bahadur, Sardar Muhammad.
Sheo Pratap Singh, Rai Bahadur, Lal.
Sri Krishna Dutt Dube, Raja.
Sarendra Pratap Sahi, Rai Bahadur, Kunwar.

Noes 54.

Abdul Hasan, Saiyid.
Acyu Prasad, Babu.
Ahmad Sa'id Khan, The Hon'ble Captain Nawab Sir Muhammad.
Ain-ud-din, Khan Bahadur, Saiyid.
Ali Zaheer Syed.
Arjuna Singh, Chaudhri.
Awadh Bihari Lal, Rai Bahadur, Babu.
B. Ideva, Chaudhri.
Bennett, Mr. J. R. W.
Bharos, Chaudhri.
Bhondu Ram, Mr.
Bikram Singh, Rao Bahadur, Thakur.
Birendra Bikram Singh, Raja.
Bisheshwar Lal Seth, Rai Bahadur, Kunwar.
Blunt, The Hon'ble Mr. E. A. H.
Brij Lal Badhwar, Rai Bahadur, Mr.
Clay, Mr. J. M.
Dar, Mr. S. S. L.
Desanges, Mr. E. C.
Dhirya Singh, Chaudhri.
Ejaz Rasul Khan, Raja Sir Muhammad.
Fasih-ud-din, Khan Bahadur, Maulvi.
Frampton, Mr. H. J.
Ghasita, Chaudhri.
Ghazanfarullah, Khan Bahadur, Hafiz.
Habibullah, Khan Bahadur, Maulvi Saiyid.
Habibullah, Shaikh Muhammad.

Hadiyar Khan, Khan Bahadur, Muhammad.
Hollins, Mr. S. T.
Jafer Hossain, Khan Bahadur, Saiyid.
Jagannath, Chaudhri.
Kanta Nath, Babu.
Kharegat, Mr. P. M.
Kushal Pal Singh, Raja Bahadur.
Lane, Mr. H. A.
Liaquat Ali Khan, Nawabzada Muhammad.
Manmohan Sahai, Rai Bahadur, Babu.
Mason, Mr. P.
Medley, Mr. L. M.
Muhammad Yusuf, The Hon'ble Nawab Sir.
Nutt, Colonel H. R.
Phul Chand Megha, Rai Bahadur, Babu.
Pratap Bhan Singh, Rao Bahadur, Thakur.
Rajeshwari Prasad, Rai Sahib.
Ram Adhin, Chaudhri.
Rama Charana, Rai Sahib, Babu.
Sathe, Mr. J. N. L.
Souter, Mr. E. M.
Srivastava, The Hon'ble Mr. J. P.
Suraj Din Bajpai, Rai Bahadur, Pandit.
Teyen, Mr. C. St. L.
Vikramajit Singh, Rai Bahadur, Babu.
Whitehead, Mr. J.
Zahur Ahmad, Mr.

The Hon'ble the President: There is no business left for tomorrow and we can easily dispense with the sitting that was to be held on the 25th. The Council will now meet on the 27th at 10.30 a.m. and is adjourned accordingly.

The Council then adjourned at 5 p.m. till Monday, the 27th February, 1933.

APPENDIX

Comparative statement showing the consumption of country liquor and revenue derived therefrom in the auction and surcharge areas of the United Provinces (referred to in the speech of the Hon'ble the Minister for Excise on page 247)

I—CONSUMPTION OF COUNTRY LIQUOR IN L. P. GALLONS
(For eight months: May—December)

	Quantity			Variation in 1932-33 compared with—	
	1932-33	1931-32	1929-30	1931-32	1929-30
Auction area* ..	121,524	72,092	88,763	+74 per cent.	+41 per cent.
Surcharge area ..	178,854	105,492	136,567	+66 per cent.	+28 per cent.
Provincial total ..	290,378	177,584	225,330	+69 per cent.	+34 per cent.

II—DUTY AND LICENCE FEES SHOWN SEPARATELY
(For eight months: May—December)

	Duty			Licence fees		
	Amount		Variation	Amount		Variation
	1932-33	1931-32		1932-33	1931-32	
	Rs.	Rs.		Rs.	Rs.	
Auction area ..	10,52,654	8,15,150	+29 per cent.	8,54,758	9,52,946	+142 per cent.
Surcharge area ..	12,21,966	9,87,514	+24 per cent.	3,63,141	4,11,637	-12 per cent.
Provincial total ..	22,75,620	18,02,664	+26 per cent.	12,17,899	7,64,583	+59 per cent.

III—TOTAL REVENUE (I.E., DUTY AND LICENCE FEES)
(For eight months: May—December)

	Amount			Variation in 1932-33 as compared with—	
	1932-33	1931-32	1929-30	1931-32	1929-30
	Rs.	Rs.	Rs.		
Auction area ..	19,08,412	11,68,096	14,20,617	+63 per cent.	+34 per cent.
Surcharge area ..	15,85,107	13,99,151	17,95,176	+13 per cent.	-12 per cent.
Provincial total ..	34,93,519	25,67,247	32,15,793	+36 per cent.	+9 per cent.

* See following page.

IV.—OFFENCES AGAINST EXCISE LAWS CONNECTED WITH ILLICIT
DISTILLATION

(For eight months: May—December)

					1932-33	1931-32	Variation
*Auction area					1,500	1,036	+45 per cent.
Surcharges area					566	492	+15 per cent.

* Viz., the districts of (1) Dehra Dun, (2) Saharanpur, (3) Muzaffarnagar, (4) Meerut, (5) Bareilly, (6) Shahjahanpur, (7) Pilibhit, (8) Cawnpore, (9) Fatehpur, (10) Allahabad (excepting old Bara tahsil and portion of Meja tahsil), (11) Lucknow, (12) Unao, (13) Rae Bareilly, (14) Sultanpur, (15) Partabgarh and (16) Bara Banki.

LEGISLATIVE COUNCIL UNITED PROVINCES OF AGRA AND OUDH

Monday, 27th February, 1933

The Council met at Council House, Lucknow, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (75)

The Hon'ble Mr. E. A. H. Blunt.
The Hon'ble Captain Nawab Sir Muhammad Ahmad Sa'id Khan.
The Hon'ble Nawab Sir Muhammad Yusuf.
The Hon'ble Mr. J. P. Srivastava.
Mr. J. M. Clay.
Mr. C. St. L. Teyen.
Mr. P. Mason.
Mr. P. M. Kharegat.
Mr. H. A. Lane.
Mr. J. R. W. Bennett.
Colonel H. R. Nutt.
Mr. A. H. Mackenzie.
Rai Bahadur Pandit Suraj Din Bajpai.
Khan Bahadur Saiyid Ain-ud-din.
Rai Bahadur Babu Phul Chand Mogha.
Mr. J. N. L. Sathe.
Mr. S. S. L. Dar.
Mr. Masud Ali Khan.
Mr. S. T. Hollins.
Saiyid Abdul Hasan.
Mrs. Kailash Srivastava.
Khan Bahadur Maulvi Fasih-ud-din.
Mr. E. Ahmad Shah.
Rai Sahib Babu Rama Charana.
Mr. Perma.
Rai Bahadur Babu Awadh Bihari Lal.
Chaudhri Jagarnath.
Chaudhri Baldeva.
Chaudhri Ghasita.
Chaudhri Arjuna Singh.
Chaudhri Dhirya Singh.
Rai Bahadur Mr. Brij Lal Badhwar.
Lala Shyam Lal.
Babu Kamta Nath.
Kunwar Jagbhan Singh.
Mr. Brijanandan Lal.
Rao Narsingh Rao.
Chaudhri Ram Adhin.

Mr. Bhondur Ram.
Chaudhri Bharos.
Pandit Shri Sadayatan Pande.
Raja Sri Krishna Dutt Dube.
Rai Bahadur Babu Jagadeva Roy.
Mr. Dahari.
Rai Sahib Rajeshwari Prasad.
Thakur Giriraj Singh.
Pandit Prem Ballabh Belwal.
Thakur Jang Bahadur Singh Bisht.
Sardar Bahadur Thakur Narayan Singh.
Negi.
Rai Bahadur Thakur Hanuman Singh.
Rai Bahadur Lal Sheo Pratap Singh.
Kunwar Diwakar Prakash Singh.
Thakur Muneshwar Bakhsh Singh.
Raja Ambikeshwar Pratap Singh.
Rai Rajeshwar Bali.
Syed Ali Zaheer.
Khan Bahadur Mr. Muhammad Abdul Bari.
Khan Sahib Muhammad Maqsood Ali Khan.
Mr. Muhammad Rahmat Khan.
Khan Bahadur Muhammad Hadiyar Khan.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Maulvi Saiyid Habibullah.
Khan Bahadur Hafiz Ghazanfarullah.
Khan Bahadur Saiyid Jafer Hosain.
Shaikh Afzal-ud-din Hyder.
Khan Sahib Muhammad Imtiaz Ahmad.
Shaikh Muhammad Habibullah.
Raja Saiyid Ahmad Ali Khan Alvi.
Mr. L. M. Medley.
Chaudhri Muhammad Ali.
Thakur Rampal Singh.
Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Raja Jagannath Bakhsh Singh.
Mr. E. M. Souter.
Rai Bahadur Babu Vikramajit Singh.

MEMBERS SWORN :

Mr. A. H. Mackenzie.

Mr. Masud Ali Khan.

QUESTIONS AND ANSWERS.

Tabled for February 25 1933.

STARRED QUESTIONS.

COMPLAINT AGAINST THE DISTRICT MAGISTRATE, BUDAUN

*1. **Mr. C. Y. Chintamani** (*absent*): (1) Is it a fact that Mr. Raghubir Sahai, B.Sc., LL.B., Advocate of Budaun, ex-M. L. C., confined as a political prisoner, class "A," in Fatehgarh District Jail, made a complaint to the Inspector-General of Prisons, United Provinces, through the Superintendent of the said jail regarding the use of some objectionable expressions by Mr. C. L. Wallace, District Magistrate, towards him when he (the District Magistrate) visited the jail on November 23, 1932?

(2) Is it a fact that the application was returned and an explanation called for from the Superintendent as to why he had forwarded it at all?

(3) Why was an explanation called for? To whom, if not to the Inspector-General of Prisons, should Mr. Raghubir Sahai have reported about an incident which took place inside the jail and gave him a serious cause of grievance?

(4) What were the reasons assigned by the Inspector-General for returning the application?

(5) Has the matter been settled now; and if so, how?

The Hon'ble the Home Member (Captain Nawab Sir Muhammad Ahmad Sa'id Khan): (1) Yes.

(2) Yes. The attention of the Superintendent was drawn to orders on the subject which prohibit the forwarding of such complaints. Government is, however, considering the terms of this circular which seem to be open to some misinterpretation.

(3) and (4) The Inspector-General of Prisons took the view that the Superintendent should have reported the incident officially.

(5) It is understood that the matter has now been closed, the District Magistrate having settled it with the prisoner.

RETRENCHED CLERKS OF THE PAY AND ACCOUNTS OFFICE

*2. **Pandit Shri Sadayatan Pande:** Will the Government be pleased to state—

(a) how many clerks have come under retrenchment by the abolition of the offices of the Pay and Accounts Officers;

(b) how many of them have been provided;

(c) how many of them had to retire on proportionate pension;

(d) what arrangements have Government made for the remaining ones to be absorbed?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt): (a) One hundred and seventy-four so far as the Local Government are aware.

(b) Present information indicates that at least twelve have been re-employed: but there may be more.

(c) None.

(d) Of the remaining 162, one left the country, another died, and Government have allotted 160 to various offices for employment as vacancies arise.

EXTENSION OF SERVICE TO MINISTERIAL OFFICIALS

*3. **Pandit Shri Sadayatan Pande:** (a) Is it a fact that extension in service are still being given by certain heads of departments to their gazetted and non-gazetted ministerial officials beyond the prescribed age of 55 years?

(b) If so, will Government please state how do they propose to provide for retrenched men?

The Hon'ble the Finance Member: (a) The honourable member is labouring under a misapprehension. Fundamental Rule 56(b) lays down that a ministerial servant *may* be required to retire at the age of 55, but should ordinarily be retained in service, if he continues efficient, up to the age of 60 years. Government believe that all officers are observing this statutory provision.

(b) This does not arise from part (a) of the question.

*4 **Pandit Shri Sadayatan Pande:** Will the Government be pleased to lay on the table a list of those gazetted and non-gazetted ministerial officials who have been given extensions in service beyond the age of 55 years for the year 1933-34, with reasons for their being granted this concession?

The Hon'ble the Finance Member: Government do not consider that the work of compiling information on the lines mentioned is commensurate with the time and money it will take.

*5. **Rai Bahadur Thakur Hanuman Singh:** [Postponed at the request of Government.]

UNSTARRED QUESTIONS.

Tabled for February 25, 1933

RELIGIOUS AND CHARITABLE ENDOWMENTS COMMITTEES IN RELATION
TO KEDARNATH AND BADRINATH TEMPLES

1. **Babu Ram Bahadur Saksena:** Will the Government be pleased to state?—

(a) The dates on which the Hindu Religious and Charitable Endowments Committee and the Muhammadan Aqaf Committee submitted their respective reports to the Government.

(b) The cost of inquiry in case of each Committee including the salaries of their respective secretaries and staff?

(c) The action taken or proposed to be taken on their reports.

Mr. P. Mason: (a) 1st April, 1931, and 29th July, 1931.

(b) Rs.26,384 and Rs.19,000.

(c) Both the reports have been published in English and vernacular with a view to elicit public opinion.

2. **Babu Ram Bahadur Saksena:** Will the Government be pleased to state the grounds on which the publication of these reports in the Government Gazette has so far been withheld? When are these reports likely to appear in the Gazette?

Mr. P. Mason: As printed copies of both these reports in English and vernacular are already available to the public, it is unnecessary to publish them in the Government Gazette.

Does not arise.

3. **Babu Ram Bahadur Saksena:** Will the Government be pleased to state when they intend to bring forward legislation on the lines recommended by these Committees?

Mr. P. Mason: Government consider that these matters would be most appropriately dealt with by non-official opinion and legislation.

4. **Babu Ram Bahadur Saksena:** (a) Will the Government be pleased to state if an application for permission (under section 92) to file a suit against the *rawal* of Shri Badrinath temple was made to the Government soon after the appointment of the Hindu Religious and Charitable Endowments Committee?

(b) What orders were passed on this application?

(c) Is it a fact that the Government wrote to the President, Hindu Religious and Charitable Endowments Committee to make special inquiries about the management of Shri Badrinath temple, because the Government wanted to file a suit under section 92 for the amendment of the scheme of management of the temple?

(d) Is it a fact that the *rawal* of Shri Badrinath, in spite of repeated request, refused to appear before the Garhwal Sub-Committee of the Hindu Religious and Charitable Endowments Committee and show his accounts?

Mr. P. Mason: (a) Yes.

(b) The application was refused pending a decision on the Committee's report.

(c) Government asked for special inquiries because they wished to know whether the complaints of mismanagement were justified and whether action was necessary.

(d) Yes.

5. **Babu Ram Bahadur Saksena:** Is it a fact that Garhwal Sub-Committee of the said Committee reported against the management of Shri Badrinath and Kedarnath temples and strongly recommended the filing of suits under section 92 in respect of them?

Mr. P. Mason: (a) Yes.

6. **Babu Ram Bahadur Saksena:** Is it a fact that in or about April 1929, the Hindu Religious and Charitable Endowments Committee submitted to the Government a scheme of management of Shri Badrinath temple and unanimously recommended that early steps be taken to get that scheme introduced?

Mr. P. Mason: This was done by the Garhwal Sub-Committee.

7. **Babu Ram Bahadur Saksena:** (a) Will the Government be pleased to state why they have not yet filed a suit to get the Badrinath scheme amended by the court?

(b) Do Government propose to file such a suit? If so, when?

Mr. P. Mason : (a) and (b) The best method of settling the Badrinath temple question is under consideration, but it cannot be said when a decision will be arrived at.

S. Babu Ram Bahadur Saksena : (a) Is there any proposal to hand over the Badrinath temple to Tehri State?

(b) If so will the Government before coming to a final decision consult Hindu public opinion on the propriety of transferring the temple to the State?

Mr. P. Mason : (a) Yes.

(b) Hindu public opinion has already been invited.

9. Babu Ram Bahadur Saksena : Did the Home Member of the Tehri State state before the Hindu Religious and Charitable Endowments Committee at Hardwar on the 27th March, 1929, as follows:—“Personally, in my capacity as a Minister apart from my religious convictions, I would consider myself happy when relieved from the botherations of the Badrinath temple.”

Mr. P. Mason : Government have no information.

10. Babu Ram Bahadur Saksena : Will the Government be pleased to state under what authority Tehri Durbar prevented the *raawal* of Kedarnath from appointing a manager of his choice, as is stated in Ex. 26 published on page 56 of the Hindu Religious and Charitable Endowments Committee record of Garhwal Sub-Committee Enquiry, part II?

11. Are Government aware that Tehri Durbar appointed one Narain Dutta, a manager of Kedarnath temple about 1918?

12. Are Government aware that Tehri Durbar audited and controlled accounts of Kedarnath temple?

Mr. P. Mason : An inquiry has been made from the Commissioner and a reply will be given at a later date.

TRADE ROUTES BETWEEN BRITISH GARHWAL AND TIBET

13. Babu Ram Bahadur Saksena : (a) Is it a fact that the roads to Tibet through Mana and Niti passes are important trade routes between British Garhwal and Tibet?

(b) It is a fact that the route to these passes is via British Garhwal and Joshimath, respectively, and that if these territories are ceded to Tehri State there will be no direct communication between British Garhwal and Tibet?

(c) Will the Government be pleased to consider this fact before finally deciding to transfer the territory?

Mr. P. Mason : (a) These roads are trade routes but the trade is not of first class importance.

(b) (i) Yes. ...

(ii) There is no intention of transferring to the Tehri State any territory through which either trade route passes.

(c) Does not arise.

OFFICES AND TREASURY OF SHRI BADRINATH TEMPLE AT JOSHIMATH

14. Babu Ram Bahadur Saksena : (a) Is it a fact that the offices and treasury of Shri Badrinath are located at Joshimath in accordance with the unbroken practice of centuries and cannot be removed from there without injuring the religious susceptibilities of Hindus?

(b) Are Government aware that the transfer of Badrinath to Tehri will consequently involve the transfer of the entire area from Badrinath to Joshimath?

Mr. P. Mason : An inquiry has been made from the Commissioner and a reply will be given at a later date.

BHARAT TEMPLE, RISHIKESH

15. Babu Ram Bahadur Saksena : (a) Will the Government be pleased to state if the Hindu Religious and Charitable Endowments Committee wrote anything about the Bharat temple, Rishikesh, in its report?

(b) If the answer be in the affirmative, will the Government be pleased to lay on the table a copy of the extract of its report relating to this temple?

Mr. P. Mason : (a) Yes.

(b) The honourable member is referred to para. 59(2) of the Report of the Hindu Religious and Charitable Endowments Committee.

16. Babu Ram Bahadur Saksena : (a) Have Government issued any orders, instructions, directions or advice to the local authorities at any time regarding the institution of the section 145 case, its prosecution or the issuing of notices about the Bharat temple, Rishikesh? If so, what?

(b) Will the Government be pleased to lay on the table all communications that have passed from time to time between the Government, the local authorities and the Mahant in this connexion?

17. (a) Is it a fact that the District Magistrate in his order, dated the 31st January, 1931, asked the Mahant of the Bharat temple to seek redress through the civil court?

(b) Has he done so?

(c) If not, why do Government take upon themselves to help him?

18. (a) Will the Government be pleased to state if recently the houses of the Mahant of Bharat Mandir at Rishikesh and at Mussoorie were searched?

(b) If the answer be in the affirmative, will the Government be pleased to state why they were searched and what articles, if any, were recovered?

(c) In case any incriminating articles were recovered, what action, if any, have the authorities taken against the Mahant?

19. (a) Will the Government be pleased to state (1) how and by whom the trustees of Bharat Mandir were appointed, (2) for what term were they appointed and (3) what qualifications were required of them before the Government gave up the control of religious endowments?

(b) Is it a fact that trustees in those days were called "the *daroghas*" and not "*mahants*"?

(c) If the answer be in the affirmative, will the Government be pleased to state how and when mahantship grew up?

(d) Was this temple ever under the control of the Government as required by Bengal Regulation, XIX of 1910?

(e) When and why was Government control withdrawn and what arrangement was made for the future good management of the temple?

(f) Will the Government be pleased to state why a committee was not appointed as prescribed by Act XX of 1863 in respect of this temple?

Mr. P. Mason: Inquiries are being made and a reply will be given at a later date.

LEVY OF FEES FROM BADRINATH PILGRIMS AT MONI-KI-RETI

20. Babu Ram Bahadur Saksena: (a) Has the attention of the Government been drawn to a notice published by Tara Singh Tandol from Rishikesh recounting the hardships which the Badrinath pilgrims have to suffer on account of the fee alleged to have been charged at Moni-ki-Reti?

(b) If so, what action have the Government taken or propose to take in the matter?

Mr. J. M. Clay: (a) No.

(b) Does not arise.

21. Babu Ram Bahadur Saksena: Is the registration of coolies at Moni-ki-Reti optional or compulsory?

Mr. J. M. Clay: Compulsory.

22. Babu Ram Bahadur Saksena: What is the scale of fee charged? Who appropriates the fee, the Tehri State or this Government?

Mr. J. M. Clay: The registration fee is Rs.6-4 per Rs.100 earned by the coolie. The fees are appropriated by the Tehri State, but are used for the expenses of the registration system which they do not completely meet.

ROAD FROM RISHIKESH TO LACHHMAN JHOOLA

23. Babu Ram Bahadur Saksena: To whom does the road from Rishikesh to Lachhman Jhoola belong and who maintains and repairs it?

Mr. H. A. Lane: The Rikhikesh-Lachmanjhula road as originally constructed belonged to Government. The Tehri Durbar made a diversion on easier gradients in their territory, and asked Government to entrust the maintenance of the remaining portion of the road lying within British territory to them at their cost. This was done from 1st April, 1931, on the understanding that the transfer of control will not prejudice the rights of Government to resume maintenance again if it was found necessary to do so.

24. Babu Ram Bahadur Saksena: Was any complaint ever made to Government before this regarding the registration of coolies? If so, with what effect?

Mr. J. M. Clay: No.

STARRED QUESTIONS.

Tabled for February 27, 1933

PILGRIMS TAX

***1. Rai Sahib Lala Anand Sarup:** (1) Will the Government be pleased to state—

(a) the rate of the pilgrims tax charged for (1) Hardwar, (2) Ajudhia, (3) Muttra, (4) Allahabad and other places of pilgrimage;

(b) the total annual proceeds for the last three years for each place;

(c) the total annual expenditure and the savings, if any, at the end of December, 1932?

(2) Is it a fact that the Hardwar union proposes to increase this tax by 100 per cent.; if so, what are the reasons which have necessitated the Union to increase this tax?

(3) Is it also a fact that the union proposes to charge annas 4 per head from the persons entering Hardwar by car or bus? If so, what action do Government propose to take in the matter?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf): (1) (a) and (b) A statement containing the information required by the honourable member is placed on his table.

(See Appendix A, page 350)

(c) Inquiry has been made from the Commissioner and a reply will be given at a later date.

(2) The tax has already been increased by 33½ per cent. in order to meet the cost of the drainage scheme and improvements at Har-ki-pairi and of a higher standard of sanitary and other arrangements for the safety and comfort of the pilgrims.

(3) The Government have agreed that the Commissioner may sanction this tax as an experimental measure, provided that the municipality levies it as the railway do, half on arrival and half on departure, so as to avoid the possibility of any visitor having to pay more than four annas in all if he arrives by motor and leaves by rail or less if he arrives by rail and leaves by motor.

GOVERNMENT PRESS, ALLAHABAD

*2. **Munshi Gajadhar Prasad** (*absent*): (1) Is it a fact that the Government has enforced a new scheme in the Government Press, Allahabad, from January 3, 1933, whereby the working hours have been increased and the employees have to work from 8.30 a.m. to 5.30 p.m. instead of 8.30 a.m. to 4 p.m.

(2) Is it a fact that about 800 employees of the same press made a representation to Government protesting against the said order and praying for the withdrawal of the scheme?

(3) Is it a fact that the Government rejected their prayer? If so, on what grounds?

(4) Is it a fact that the Government had prepared a scheme for 1931 and 1932 whereby an employee in the temporary establishment getting Rs.50 was given Rs.75 per month and an employee getting Rs.12 was given Rs.20 per month? If so, why has that scheme been given up?

(5) Is it a fact that by introducing the above scheme the Government is contemplating a reduction of the industrial staff of the Press?

The Hon'ble the Home Member: (1) Yes.

(2) Yes.

(3) Government rejected the memorial on the ground that the revised conditions of employment which include an increase of pay to salaried workers and a surcharge on gross earnings to piece workers, compared with conditions in private presses show a considerable advantage over the latter, and at the same time confer on the salaried industrial employees valuable privileges in the way of leave and pension allowances.

(4) No.

(5) A few posts may come under reduction, but no general reduction is contemplated. The size of the staff must depend on the amount of the work.

*3. **Munshi Gajadhar Prasad** (*absent*): Is it a fact that only about 200 persons in the Press are permanent while the rest, about 600, are temporary? If so, why have those employees who have put in more than ten years' service not yet been made permanent?

The Hon'ble the Home Member: The actual number of permanent industrial workers is 253 and of temporary industrial workers 717. Men on the temporary establishment are appointed by selection to the permanent establishment as vacancies occur.

*4. **Munshi Gajadhar Prasad** (*absent*): Is it a fact that so far seniority of service has not been kept in view while making an employee permanent?

The Hon'ble the Home Member: Seniority is always kept in view but it is not the only consideration.

*5. **Munshi Gajadhar Prasad** (*absent*): Is it a fact that the increment given to the employees does not even come up to the actual earnings which they would have otherwise earned by working $1\frac{1}{2}$ hours overtime?

The Hon'ble the Home Member: This is so but the salaried workers would get the full benefit of the increase as overtime earnings do not count for leave allowances or for pension.

*6. **Munshi Gajadhar Prasad** (*absent*): Has the Government put them under a retrenchment scheme other than 10 per cent. emergency cut already applied to them?

The Hon'ble the Home Member: No.

*7. **Munshi Gajadhar Prasad** (*absent*): Is it a fact that in some cases rates of piece workers are reduced and they will not get even as much as they were getting before the new scheme although their working hours are increased by $1\frac{1}{2}$ hours? If so, under what principle has this been done?

The Hon'ble the Home Member: There is some reduction in the new handcomposing rates, but this is balanced by advantages to be obtained under time rates and in certain fixed rates that cannot be conveniently reduced to the same extent. Provided work is available piece workers should obtain more under the new scheme.

*8. **Munshi Gajadhar Prasad** (*absent*): Is it a fact that an assurance was given by the Government in 1920 according to G. O. no. 720/X—11, dated the 29th March, 1920, to the effect that in practice the rules contained in the Government of India Press Handbook would be followed by the Government Press, Allahabad?

The Hon'ble the Home Member: No such assurance was given.

*9. **Munshi Gajadhar Prasad** (*absent*): Is it a fact that no wages are given to those piece workers who, though detained in the Press throughout the whole period, i.e., 8.30 a.m. to 5.30 p.m., have to remain without work?

The Hon'ble the Home Member: Payment is made on outturn, not on time. But in ordinary circumstances Government do not think that

piece workers would be without work for such a long period. They will, however, inquire further into this.

*10. **Munshi Gajadhar Prasad** (*absent*): Is the Government prepared to reconsider its decision?

The Hon'ble the Home Member: Government see no reason to reconsider the orders passed. If, however, it can be shown that they are likely to result in hardship in any particular way, such as that suggested in the last question, they are ready to look into the matter.

*11 and 12. **Munshi Gajadahar Prasad:** [*Postponed at the request of Government.*]

SECRETARY, MUNICIPAL BOARD, MAINPURI.

*13. **Khan Bahadur Hafiz Hidayat Husain:** (1) With reference to answer to starred question no. 33 of 24th November, 1932, will the Government please state on what particular point was the information supplied by Khan Bahadur Munshi Muhammad Hadiyar Khan Sahib, M.L.C., to the Commissioner incorrect?

(2) Was any opportunity given to the Khan Bahadur Sahib to support his information? If not, why?

The Hon'ble the Minister for Local Self-Government: (1) The information supplied to the Commissioner by Khan Bahadur Munshi Muhammad Hadiyar Khan was incorrect in the following particulars:—

(a) That the secretary Babu Jagpati Sahai, and a member of the board Babu Krishna Jiwan Sahai, were real cousins;

(b) that Babu Jagpati Sahai was a non co-operator and an enthusiastic Congress worker.

(2) As the Commissioner found by personal inquiry that these allegations were incorrect, he did not consider it necessary to ask the Khan Bahadur to support the information he had given.

RENT AND REVENUE REMISSIONS IN FATEHPUR DISTRICT

*14. **Khan Bahadur Hafiz Hidayat Husain:** (1) Will the Government please place a statement on the table, showing the proportion of rent remitted to the tenants for 1340 *Fasli* and the proportion of revenue remitted to the zamindars in the Fatehpur district?

(2) Is it a fact that in several villages of the district rent for *kharif* demand has been notified to have been partially remitted, while no proportionate remission in revenue has been granted? If so, what is the reason for the non-remission of revenue?

The Hon'ble the Finance Member: (1) and (2) A statement is placed on the honourable member's table. The Collector of Fatehpur has reported that as regards remissions of land revenue he is awaiting the final orders of Government. These orders were issued on 16th December, 1932.

(See Appendix B, page 351)

DAMAGE TO CROPS IN GORAKHPUR DISTRICT.

*15. **Rai Sahib Rajeshwari Prasad:** (1) Is the Government aware of the heavy damage caused to standing crops by frost and hail during the latter part of the month of January, 1933, in the Gorakhpur district?

(2) Does the Government intend to take measures of relief for the tenants and zamindars affected by the calamities mentioned above? If so, what?

The Hon'ble the Finance Member: (1) Damage was caused to *arhar* and to a less extent to garden crops and peas.

(2) Damage is estimated in annas in the rupee on the whole harvest and not on a particular crop, and if the damage exceeds a number of annas of the whole harvest, relief in rent and revenue is given according to rules. It is too early to say yet whether relief is required.

PROHIBITION TO LEGAL PRACTITIONERS TO APPEAL FOR PATWARIS IN GORAKHPUR DISTRICT

*16. **Rai Sahib Rajeshwari Prasad:** Is it a fact that in the Gorakhpur District legal practitioners of the revenue courts have been prohibited to appear in cases in appeal relating to the appointment, transfer, removal and punishment of patwaris? If so, from how long have they been prohibited and for what reason?

The Hon'ble the Finance Member: There is no such general order. The Collector, since his arrival in April 1932, has allowed legal practitioners to appear in appeals brought by zamindars supporting or opposing the appointment of patwaris: as regards transfer and punishment patwaris are treated in the same way as members of the Collectorate staff.

*17. **Rai Sahib Rajeshwari Prasad:** [*Postponed at the request of Government.*]

APPLICATION TO PROSECUTE A DEPUTY MAGISTRATE OF GORAKHPUR

*18. **Rai Sahib Rajeshwari Prasad:** Has the Government received an application from Mr. Nawal Kishore Agarwala, Barrister of Gorakhpur, for sanction to prosecute a Deputy Magistrate for offence committed by him as a Magistrate? If so, what action has been taken upon it?

The Hon'ble the Finance Member: No such application has been received by Government.

*19. **Rai Sahib Rajeshwari Prasad:** [*Transferred to unstarred list.*]

APPOINTMENT OF SUB-DEPUTY INSPECTORS OF SCHOOLS

*20. **Rai Bahadur Lal Sheo Pratap Singh:** (1) Is the Government aware of the provisions of section 54, note 1, of the Education Code, under which some posts of sub-deputy inspectors are reserved for the teachers of the vernacular middle schools?

(2) Will the Government be pleased to state (i) the number of posts reserved, (ii) the number of vernacular teachers appointed, with dates, during the last five years?

(3) Does the Government contemplate to make up the deficiency by appointing such number from among the vernacular teachers?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava): (1) Yes.

(2) (i) Twenty-one.

(ii) Thirteen; 6 in 1928, 4 in 1929, 1 in 1930, 1 in 1931 and 1 in 1932.

(3) There is no deficiency.

IRRIGATION CHARGES FOR MANGO GARDENS

*21. **Captain Nawab Muhammad Jamshed Ali Khan:** (1) (a) Is the Government aware of the fact that mango gardens require a lesser quantity of water than other crops, while they are charged more irrigation dues than sugarcane, etc.?

(b) Is the Government also aware that the mango bears fruit only once a year, while water rates are charged for two *fasls*?

(2) Is the Government aware of the fact that irrigation rates for mango gardens are charged from the very time the trees are planted, whereas the young plants are unable to bear fruit for some years and in the meanwhile other crops such as wheat or barley are grown in the garden? Will the Government consider the advisability of reducing irrigation rates in such cases according to the scale fixed for other crops actually grown in the garden?

The Hon'ble the Finance Member: (1) (a) No. Unfortunately irrigation rates are not based on a volumetric supply of water and, therefore, the question of the quantity of water consumed by various crops does not arise.

Gardens for which canal water is used are, as a rule, mixed gardens. In any case the area of purely mango gardens is very small. The exact area is not available, as they are classified under the general head "Gardens." No distinction is, therefore, made between the purely mango gardens and other general gardens in the matter of assessment of irrigation rates. These rates are charged per half year.

(b) Yes. Water rates are charged for two *fasls* only when water is taken in both the *fasls*.

(2) Yes. In the case of young gardens sometimes crops are sown in them. The assessment in such cases is regulated under rule 21 of the rules under the Canal Act which reads as follows:

"If mixed crops be grown in the same field the occupier's rate shall be calculated on the highest rated crops."

No change in this rule is considered necessary.

BOOK NAMED *Angaray*

*22. **Khan Bahadur Hafiz Hidayat Husain:** (1) Has the attention of the Government been drawn to a book called *Angaray* by Syed Sajjad Zahir, printed at the Nizami Press, Lucknow?

(2) Are Government aware that the book contains blasphemous passages against the accepted canons of the Moslem faith?

(3) Are Government aware that the book has created resentment among a wide circle of the Moslem intelligentsia?

(4) Have Government taken any action to proscribe the book?

The Hon'ble the Home Member: (1) and (3) Yes.

(2) and (4) The action to be taken is under the consideration of the Government.

APPOINTMENT AS MUNSIFS OF LAW GRADUATES HOLDING MINISTERIAL APPOINTMENTS

***23. Khan Bahadur Hafiz Hidayat Husain:** (a) Is it a fact that in previous years Law Graduates serving in the ministerial appointments under the control of the High Court and the Judicial Commissioner's Court were appointed as munsifs?

(b) How long is it that this practice has been discontinued?

(c) Is it in contemplation of the Government to revive the system? If not, why?

The Hon'ble the Finance Member: (a) Yes.

(b) Since 1922.

(c) The system referred to was stopped by the Government of India on the recommendations of the Public Service Commission. The existing rules providing for direct recruitment only have been found to work well.

***24 and 25. Rao Krishna Pal Singh:** [*Postponed at the request of Government.*]

MEDICAL AID TO CERTAIN POLITICAL PRISONERS

***26. Rao Krishna Pal Singh (absent):** (1) Is it in the knowledge of the Government that Dewan Bhagwan Dass Khatri, editor, *Awaz*, Meerut city, on his admission into Meerut Jail on the 14th April 1932, weighed 130lb.?

(2) Is it also in the knowledge of the Government that from the 14th April, 1932 to 24th January, 1933, the said Dewan Bhagwan Dass was regularly losing his weight?

(3) Is it further in the knowledge of the Government that the said Dewan Bhagwan Dass lost 22lb. in weight and caught tuberculosis at Meerut and Fyzabad Jails?

(4) Is the Government aware that the sputum of the said Dewan Bhagwan Dass was examined at the Civil Hospital, Fyzabad, and positive T. B. germs were found therein?

(5) Is the Government prepared to accord sufficient compensation to the said Dewan Bhagwan Dass to enable him to get rid of this fatal disease caught by him in jails?

The Hon'ble the Home Member: An answer will be given at a later date.

***27. Rao Krishna Pal Singh (absent):** Is it in the knowledge of the Government that Chaudhri Behari Lal of Dehra Dun is suffering from asthma at the Fyzabad District Jail? Will the Government be pleased to state what steps they are taking for his treatment?

The Hon'ble the Home Member: Yes. He is under special treatment and the frequency and severity of the attacks have decreased and he has gained in weight. A whole-time medical officer of the Provincial Medical Service has been appointed to look after the health of prisoners in this jail.

SHAHPUR ESTATE, DISTRICT GONDA

*28. **Babu Ram Bahadur Saksena:** (1) Is it a fact that the late Thakur Nageshwar Bakhsh Singh, Taluqdar of Shahpur estate, District Gonda, whose estate is under the Court of Wards, left a will?

(2) Is it a fact that some persons were named in the will in connexion with the marriage of the said Thakur Sahib's daughter?

(3) Is it a fact that the late Thakur Sahib mentioned in the will one particular Kshattriya sect for his daughter to be married into?

(4) Do the Court of Wards and the Government propose to keep in view the conditions stated in the will, the provisions of the Sarda Act and the educational qualifications of the candidates for marriage in making a selection?

The Hon'ble the Finance Member: The answer to all parts of the question is in the affirmative.

*29. **Babu Ram Bahadur Saksena:** Do Government know that a member of the Central Advisory Committee of the Court of Wards, which has to take a decision on the matter, addressed a letter to other members of the Committee asking for their support for the girl to be married to his own son?

The Hon'ble the Finance Member: Government are not prepared to give any information on a matter of this kind.

*30. **Babu Ram Bahadur Saksena:** Has the Court of Wards taken any steps to protect the girl from attempts at influence by interested parties?

The Hon'ble the Finance Member: Yes.

*31 to 36. **Khan Bahadur Mr. Muhammad Abdul Bari:** [*Postponed at the request of Government.*]

JACHONDA FARM OF MUTTRA DISTRICT

*37. **Kunwar Girwar Singh (absent):** (1) Will the Government be pleased to state the conditions on which Jachonda Farm of Muttra District was disposed of?

(2) Why was this farm disposed of?

The Hon'ble the Minister for Education: (1) The land of the farm, being on lease, reverted to the landlord and the farm buildings were sold by public auction. Some of the stock and equipment were transferred to other farms and the remainder sold.

(2) To effect retrenchment.

RAYA COTTON RESEARCH FARM OF MUTTRA DISTRICT

*38. **Kunwar Girwar Singh (absent):** (a) Will the Government be pleased to state the amount of pay given to the manager and the clerks of Raya Cotton Research Farm of Muttra District?

(b) What is the total number of labourers employed in that farm?

(c) What was the total amount of income and expenditure of this farm in 1932-3?

The Hon'ble the Minister for Education: (a) A statement is laid on the table.

(See Appendix C, page 351)

(b) Labourers engaged at monthly rates of pay number 32. In addition, casual daily paid labourers, averaging between 10 to 13 every month, are also employed according to seasonal requirements.

(c) Income, Rs.10,000 approximately.

Expenditure, Rs. 10,700 approximately.

UNEMPLOYMENT AMONG EDUCATED YOUNG MEN

*39. **Kunwar Girwar Singh** (*absent*): What steps have been taken so far by the Government to reduce the unemployment of the educated men of this Province?

The Hon'ble the Minister for Education: A committee has been appointed to devise ways and means of setting educated young men on land.

OLD TAHSIL BUILDING AT MAHABAN IN MUTTRA DISTRICT

*40. **Kunwar Girwar Singh** (*absent*): What control, if any, have the Government over the old tahsil building at Mahaban in District Muttra?

The Hon'ble the Minister for Education: The building is under the control of the Education Department.

RAYA-BALDEO ROAD IN MUTTRA DISTRICT

*41. **Kunwar Girwar Singh** (*absent*): (a) Are Government aware that the Raya-Baldeo Road of Muttra District is a short route for pilgrims from Raya railway station to Baldeo?

(b) Are Government aware that on account of its being an unmetalled road there is no lorry or ekka traffic over this road?

(c) Will the Government consider the advisability of provincializing this road in the interest of pilgrims from every corner of India?

The Hon'ble the Minister for Local Self-Government: (a) Yes.

(b) Yes, but there is an alternative route along the metalled road through Mahaban.

(c) As there is an alternative metalled road, Government do not think that provincialization of this road can be regarded as of more urgency than other projects for provincialization.

BIRHANA MINOR IN TAHSIL MAT OF MUTTRA DISTRICT

*42. **Kunwar Girwar Singh** (*absent*): (1) Are Government aware that, as announced in answer to my questions Nos. 16 and 17, dated the 16th December, 1931, some outlets were given to village Anoda and others from Birhana Minor in tahsil Mat of Muttra District?

(2) Are Government also aware of the fact that after four months all those outlets were stopped? If so, why?

(3) Will the Government consider the advisability of opening these outlets again?

The Hon'ble the Finance Member: (1) Yes, only one 6-inch temporary outlet was given in addition to the existing 6-inch permanent outlet on the left bank of the Birhana Minor for the use of village Anoda, during *rabi* 1339 *Fasli*.

(2) The temporary outlet mentioned above was removed after the irrigation of *rabi* 1339 *Fasli* was over.

(3) The question has already been considered and it has been decided to substitute a double 6-inch outlet at mile 5-5-140 in place of the existing 6-inch outlets at mile 5-5-10 and 5-6-90 on left bank. This change will be effected on the 1st April, 1933, and will provide further facilities for irrigation of village Anoda.

SADABAD RAJBABA IN MUTTRA DISTRICT

***43. Kunwar Girwar Singh** (*absent*): (1) Will the Government be pleased to state why *kulaba* No. 62 on Sadabad *rajbaha* of the Mat Branch Canal in Muttra District has been stopped?

(2) Are Government aware of the fact that this outlet was given for irrigating villages Chaudhari and Khondia after inquiries had been made by the Canal authorities?

(3) Will the Government again consider the advisability of re-opening this outlet?

The Hon'ble the Finance Member: (1) The permanent outlet No. 62 on the Sadabad Distributary has not been removed.

(2) and (3) Do not arise.

ARMS LICENCES

***44. Pandit Joti Prasad Upadhyaya** (*absent*): (1) Have Government introduced or are likely to introduce any change in the policy of granting arms licences to the public?

(2) Have Government received any instructions from the Government of India now regarding the grant of arms licences? If so, will the Government be pleased to lay a copy of them on the table?

(3) Have Government issued, during the last 12 months, any instructions to the district officers and commissioners in regard to the grant of new arms licences and the renewal of existing ones? Will the Government be pleased to place a copy of such instructions on the table?

***45.** (1) Is it a fact that the district magistrates in these Provinces are refusing to renew licences for revolvers held by respectable persons about whom there has been no complaint whatever, either by the police or any revenue official?

(2) What is precisely the reason which has prompted the Government to take this action?

(3) Have Government realized, in their own interest, that this policy of refusing to renew the licences for revolvers without any reason has created a strong feeling against them?

The Hon'ble the Home Member: 44 and 45. (1) and (2) The annual reports on the working of the Arms Act since 1919 show that the total number of licensed firearms of all kinds has risen by 208 per cent., from 26,373 to 81,287. In the case of pistols and revolvers the increase has been one of 195 per cent., from 2,246 to 6,631. Inclusive of the exempted weapons, there were, in 1931, 7,868 pistols and revolvers and 89,590 weapons of all kinds in the Province. This increase in the number of

firearms has been accompanied by a steady growth in the number of crimes in which firearms were used. Between 1928 and 1929 there was an increase of 12 such crimes, the total number for 1929 being 213. In the following year there was an increase of over 25 per cent. to 269, and in 1931 a further rise of nearly 50 per cent. to 392. Between 1928 and 1931 nearly 500 firearms have been lost or stolen in this Province. Not only then are arms being used in a steadily increasing degree for the commission of crime, but they are also finding their way into undesirable hands; and in their reviews on the annual reports for 1930 and 1931 the Government of India drew the attention of this Government to these facts.

The local Government have from time to time impressed upon licensing officers the desirability for complying fully with the provisions of rules 42 and 83 of the United Provinces Arms Rules and Orders and in particular have recently directed that the concurrence of the Commissioner should be obtained before a licence is granted for a revolver or pistol. These orders have been issued in exercise of the general power of control vested in Government under rule 43(2) of the Indian Arms Rules. They do not constitute any change of policy, nor is there at present any intention to introduce any change in policy.

(3) Government do not believe this to be the case generally. It is not their intention that deserving persons should be deprived of licences, and it is always open to any one whose licence has been cancelled to make an appeal against this order to the Commissioner.

***46. Pandit Joti Prasad Upadhyaya (absent):** Have Government issued any instructions to the district magistrates asking them *not to grant any more new licences* for breech-loading guns and revolvers even to persons who legitimately need them for protection and other purposes and are qualified under the rules to hold them?

The Hon'ble the Home Member: No.

WRITING OF APPLICATIONS ON WATERMARKED PAPERS

***47. Pandit Joti Prasad Upadhyaya (absent):** (1) Are Government aware that the High Court of Allahabad and the Board of Revenue have made it mandatory that all applications and pleadings, etc., presented to courts should be written on watermarked paper?

(2) What was the former rule?

(3) Are Government aware that the price for one sheet of watermarked paper is 6 pies, while in the bazar the paper of this quality is available for one-eighth of the price charged for the paper supplied by the Government?

(4) Are Government aware that the price of one ream of Government paper, if calculated at the rate of 6 pies per sheet, comes to Rs.30 per ream, while the paper of the same quality is sold in the market at Rs.3 or Rs.4 per ream?

(5) Do Government intend to suggest to the above two courts that the words "durable paper" be substituted for "watermarked paper"?

The Hon'ble the Home Member: (1) Yes.

(2) The former rule was that stout and durable paper should be used.

(3) The answer to the first part is in the affirmative. As to the second part, Government have no information.

(4) The answer to the first part is in the affirmative. As to the second part, Government have no information.

(5) The answer is in the negative. A very important point in favour of the watermarked paper is that each year a special secret mark is incorporated in the watermark to identify the year of manufacture. This watermark is intended to prevent fraud and forgery and to lead to their detection.

TIME-SCALE OF PAY FOR CIVIL AND REVENUE COURT OFFICIALS

*48. **Pandit Joti Prasad Upadhyaya** (*absent*): Is the introduction of time-scale of pay among civil and revenue court officials contemplated? If so, when are the final proposals on the subject expected to be made?

The Hon'ble the Finance Member: Government are contemplating a system for new entrants which will combine time-scales with grades. They hope that the scheme will be in final form within the next six months.

RETIREMENT OF CIVIL AND REVENUE COURT OFFICIALS

*49. **Pandit Joti Prasad Upadhyaya** (*absent*): Do Government intend to issue orders for compulsory retirement in case of such civil and revenue court officials who have reached the age of 55 or have put in 30 years in service? If so, when? If such orders have already been issued, will the Government lay a list on the table showing how many officials in each district have retired under these orders in the year 1932?

The Hon'ble the Finance Member: No. The latter part of the question does not, therefore, arise.

HEALTH OF SETH ACHAL SINGH, POLITICAL PRISONER

*50. **Pandit Joti Prasad Upadhyaya** (*absent*): (1) Will the Government be pleased to state the condition of health of Seth Achal Singh an "A" class prisoner undergoing his sentence in the Lucknow Central Jail?

(2) Is it a fact that there has been a projection in the fifth bone in his right hip and that it is declared by doctors as incurable?

(3) Will the Government consider the advisability of releasing him by remitting his remaining sentence in order to enable him to undergo suitable treatment?

The Hon'ble the Home Member: (1) His state of health is much the same as it was at the time of his admission to the Lucknow Jail last October. His weight has increased slightly.

(2) Yes.

(3) He is being treated by a doctor of his own choice for the pain. The opinion of the doctor is that the root of the trouble, the projection in the bone, cannot be reduced by treatment. Government are not sure whether release will help him.

UNSTARRED QUESTIONS

POPULATION OF DIFFERENT COMMUNITIES AND STRENGTH OF VOTERS IN THE LEGISLATIVE COUNCIL

1. **Khan Bahadur Hafiz Hidayat Husain:** Will the Government please put a statement on the table in the following form :

- (1) Population of the Province according to the Census of 1931—
Population of Hindus,
Population of Moslems,
Population of Christians,
Population of Sikhs,
Population of others,

showing male and female separately of each

- (2) Number of Hindu voters to the United Provinces Legislative Council—

Number of Moslem voters to the United Provinces Legislative Council.

Number of Christians voters to the United Provinces Legislative Council.

Number of Sikh voters to the United Provinces Legislative Council.

Number of other voters to the United Provinces Legislative Council,

showing male and female separately.

Mr. H. A. Lane: (1) Table II on pages 6-8 and Provincial Table II on pages 596-615 of Volume XVIII, Part II of the Census Report of 1931 give the following figures :

				Males	Females
Population of the Province	..	..	..	26,063,177	23,551,656
Ditto Hindus	..	..	..	21,970,578	19,885,732
Ditto Muslims	..	..	..	3,914,778	3,519,280
Ditto Christians	..	..	..	113,166	94,733
Ditto Sikhs	..	..	..	26,723	19,887
Ditto others	..	..	..	37,932	32,024

- (2) The only figures which have been compiled are—

				Males	Females	Total
Muslim voters	..	..	..	221,816	7,442	229,258
Non-Muslim voters	..	..	..	1,336,140	43,614	1,379,754

The second head is not divided up by religions.

NOTICE OF AN ADJOURNMENT MOTION TO DISCUSS GRIEVANCES RELATING TO DISTRICT BOARD ELECTIONS AT HAMIRPUR

The Hon'ble the President: The honourable member from Hamirpur. Kunwar Jagbhan Singh, has a certain grievance against certain methods which, he alleges, have been adopted in the course of elections held for the District Board at Hamirpur on the 17th and 18th February. May I ask the honourable member whether this thing has been brought to the notice of Government by representation or by questions or anything of that kind?

Kunwar Jagbhan Singh: No, Sir. So far no questions have been made, but I approached the Commissioner and the Collector, and also the Secretary, Local Self-Government, and I also approached the Hon'ble the Minister.

The Hon'ble the President: Today?

Kunwar Jagbhan Singh: Yes. The Hon'ble the Minister I approached today and I saw the Secretary, Local Self-Government, four or five days ago.

The Hon'ble the President: Is the Hon'ble the Minister in a position to say anything?

The Hon'ble the Minister for Local Self-Government: The only thing I am in a position to say is that there does not seem to be any urgency about the matter.

The Hon'ble the President: That is not the point. The point is whether the Hon'ble the Minister is going to make inquiries or not?

The Hon'ble the Minister for Local Self-Government: I shall ask for a report from the Commissioner certainly.

The Hon'ble the President: In that case is there any use proceeding further with this?

Kunwar Jagbhan Singh: My wish is only to hold an inquiry as to whether the alleged things happened or not.

The Hon'ble the President: The Hon'ble the Minister is making an inquiry?

The Hon'ble the Minister for Local Self-Government: No. I am asking for a report from the Commissioner.

Kunwar Jagbhan Singh: I want that an inquiry be made into the alleged affairs.

The Hon'ble the President: Have any election petitions been filed in this connexion?

Kunwar Jagbhan Singh: Yes, Sir, one election petition is going to be filed. There is still time to get it filed; but they have not filed any application so far.

The Hon'ble the President: In that case we had better wait till the election petition is filed.

Kunwar Jagbhan Singh: If the election petition is not going to be filed, then under the circumstances I think the inquiry should be made because the charges are that there was Government interference and corrupt practices. There was open canvassing done by the subordinate staff: that is a definite charge and Government should obtain information as to why this was done.

The Hon'ble the President: Well, the Hon'ble the Minister says distinctly that he will first ask a report from the Commissioner.

Rai Bahadur Thakur Hanuman Singh: Well, Sir, asking for a report is one thing and ordering an inquiry is quite another thing.

The Hon'ble the Minister for Local Self-Government: It is premature to order an inquiry? How can I order an inquiry without first getting a report?

Kunwar Jagbhan Singh: Am I to understand that he will make an inquiry after a report is received?

The Hon'ble the Minister for Local Self-Government: If any action is called for, it will be looked into.

Kunwar Jagbhan Singh: It is a very vital question of franchise?

The Hon'ble the President: I quite agree. It may be a matter of importance. But the question is this. The elections have taken place. Whatever the discussion may be in the House, the question is whether the result of that discussion will be to upset that election now. There is no urgency and, therefore, in view of the circumstances, I cannot allow this motion to be brought up. It was stated in the House of Commons by the speaker in 1913 that the object of this rule is to expect the House to come to some decision upon some question which is then open, and by reason of the decision of the House the policy of the Government or the person referred to may be altered. Unfortunately, the thing is said to have occurred already and this can be discussed later on, if necessary. Moreover, a report is being called for and there are no facts before this House. The speaker of the House of Commons stated in 1911 that, pending an enquiry from Government, such a motion would be inadvisable. I am, therefore, not prepared to put this motion to this House today.

A BILL TO AMEND THE UNITED PROVINCES
MUNICIPALITIES ACT, II OF 1916

The Hon'ble the Minister for Local Self-Governmnt: Sir, I beg to introduce a Bill to amend the United Provinces Municipalities Act, II of 1916.

Sir, I beg to move that the Bill be referred to a select committee and that for this select committee the following members be elected :

- (1) Rai Bahadur Babu Awadh Behari Lal;
- (2) Rai Bahadur Babu Kamta Prasad Kakkar;
- (3) Syed Ali Zaheer;

As to (4) I have got to make a little alteration here. In the agenda there is the name of Khan Bahadur Sardar Muhammad Shakirdad Khan, but the honourable member is absent and as I have not obtained his consent I substitute the name of Khan Bahadur Hafiz Ghazanfarullah Khan;

- (5) Mr. L. M. Medley;

(6) I substitute the name of Mr. Brijnandan Lal in place of Rai Sahib Lala Anand Sarup as he is absent and I have not obtained his consent;

[The Hon'ble the Minister for Local Self-Government.]

(7) Rai Bahadur Babu Vikramajit Singh;

(8) Mr. P. Mason;

(9) Rai Bahadur Mr. P. C. Mogha.

In place of Rai Bahadur Babu Awadh Behari Lal I substitute the name of Mr. Shaikh Habibullah.

The Hon'ble the President: Will the Hon'ble Minister kindly read out the names again?

The Hon'ble the Minister for Local Self-Government: Sir, I am afraid I have to change the name of Mr. Awadh Behari Lal as he is absent and I have not obtained his consent.

The Hon'ble the President: The Hon'ble the Minister should not have such names on the agenda paper without previous consent. It is presumed that he obtained their consent before.

The Hon'ble the Minister for Local Self-Government: Sir, unfortunately I did not do it. In place of Mr. Awadh Behari Lal I substitute the name of Mr. Habibullah.

Shaikh Muhammad Habib Ullah: Will the Hon'ble the Minister let me know whom he refers to whether Shaikh Habib Ullah or Saiyid Habibullah.

The Hon'ble the Minister for Local Self-Government: Shaikh Muhammad Habib Ullah.

The Hon'ble the Minister for Local Self-Government: Then Rai Bahadur Babu Kamta Prasad Kakkar, Syed Ali Zaheer, Khan Bahadur Hafiz Ghazanfarullah Khan, Mr. Medley, Mr. Brijnandan Lal, Rai Bahadur Babu Vikramajit Singh, Mr. Mason and Rai Bahadur Mr. Mogha.

A voice—I propose the name of . . .

The Hon'ble the President: The motion before the House at present is that the Bill be referred to a select committee.

The question is that the Bill to amend the United Provinces Municipalities Act, II of 1916, be referred to a select committee.

The question was put and agreed to.

Mr. E. M. Souter: I propose the name of Rai Bahadur Babu Awadh Behari Lal.

The Hon'ble the President: Has the honourable member obtained his consent?

Mr. E. M. Souter: Yes, I have.

Pandit Shree Sadayatan Pande: I propose the name of Lala Shiam Lal.

Thakur Giriraj Singh: I second the proposal.

Rai Bahadur Babu Vikramajit Singh: I wish to propose the name of Raja Sri Kishen Dutt Dube.

Pandit Shree Sadayatan Pande: I second the proposal.

Thakur Giriraj Singh: I propose the name of Rai Bahadur Babu Jagadeva Roy.

Thakur Muneshwar Bakhsh Singh: I second the proposal.

The Hon'ble the President: Any other proposal? The original motion was that for the select committee the following members be elected :—Shaikh Muhammad Habibullah, Rai Bahadur Babu Kamta Prasad Kakkar, Syed Ali Zaheer, Khan Bahadur Hafiz Ghazanfarullahi Khan, Mr. Medley, Mr. Brijnandan Lal, Rai Bahadur Babu Vikramajit Singh, Mr. Mason and Rai Bahadur Mr. Mogha. To which amendments have been proposed that the following names be added to the personnel of the committee.

Rai Bahadur Babu Awadh Behari Lal, Lala Shiam Lal, Raja Sri Kishen Dutt Dube and Rai Bahadur Babu Jagadeva Roy.

The Hon'ble the President: As there are 13 names proposed for 10 seats an election by single transferable vote will have to take place. I direct that the election* take place today at 2.15.

A BILL TO AMEND THE UNITED PROVINCES TOWN AREAS ACT, II OF 1914

The Hon'ble the Minister for Local Self-Government: I beg to introduce the Bill to amend the United Provinces Town Areas Act, II of 1914.

The Hon'ble the Minister for Local Self-Government: I beg to move that (1) the Bill be referred to a select committee and (2) that for the select committee the following members be elected :

- (1) Rai Bahadur Kunwar Surendra Pratap Sahi,
- (2) Captain Nawab Muhammad Jamshed Ali Khan,
- (3) Rai Sahib Lala Anand Sarup,
- (4) Khan Bahadur Sardar Muhammad Shakirdad Khan,
- (5) Chaudhri Dharya Singh,
- (6) Kunwar Jagbhan Singh,
- (7) Mr. P. Mason, and
- (8) Rai Bahadur Mr. P. C. Mogha.

The Hon'ble the President: The question is that the Bill to amend the United Provinces Town Areas Act be referred to a select committee.

The question was put and agreed to.

The Hon'ble the President: I now come to the personnel of the select committee.

Rai Bahadur Babu Jagadeva Roy: I propose the name of Pandit Shri Sadayatan Pande.

Thakur Giriraj Singh: I second the proposal.

Thakur Muneshwar Bakhsh Singh: I propose the name of Rai Bahadur Lal Sheopratap Singh.

*Result of election is given in Appendix D, page 351.

Lala Shyam Lal: I second the proposal.

Rai Bahadur Babu Vikramajit Singh: I propose the names of Khan Bahadur Maulvi Fasih-ud-din and Pandit Joti Prasad Upadhyaya.

Raja Sri Krishna Dutt Dube: I second the proposal.

Pandit Shri Sadayatan Pande: I propose the name of Khan Bahadur Hafiz Hidayat Husain.

Thakur Giriraj Singh: I second the proposal.

The Hon'ble the President: The original motion made was that for the select committee the following members be elected :

- (1) Rai Bahadur Kunwar Surendra Pratap Sahi,
- (2) Captain Nawab Muhammad Jamshed Ali Khan,
- (3) Rai Sahib Lala Anand Sarup,
- (4) Khan Bahadur Sardar Muhammad Shakirdad Khan,
- (5) Chaudhri Dharya Singh.
- (6) Kunwar Jagbhan Singh, and
- (7) Mr. P. Mason,
- (8) Rai Bahadur Mr. P. C. Mogha,

to which amendments have been proposed that the following five additional names be added :

- (1) Pandit Shri Sadayatān Pānde,
- (2) Rai Bahadur Lal Sheopratap Singh,
- (3) Khan Bahadur Maulvi Fasih-ud-din,
- (4) Pandit Joti Prasad Upadhyaya, and
- (5) Khan Bahadur Hafiz Hidayat Husain.

This means 13 nominations for 10 seats. An election by single transferable vote would be necessary and for this purpose I direct that the election * take place tomorrow at 12 noon.

THE UNITED PROVINCES COURT-FEES (AMENDMENT) BILL, 1933

The Hon'ble the Finance Member: I introduce the United Provinces Court-fees (Amendment) Bill, 1933.

(After a pause I move that the United Provinces Courts-fees (Amendment) Bill, 1933, be taken into consideration. I need say nothing about this one section Bill. The reason of it is fully explained in the Statement of Objects and Reasons.

Rai Bahadur Thakur Hanuman Singh: I rise to oppose the consideration of the Bill. The provisions of the Bill are such that it will create great hardship on those who will have a chance to file election petitions. You know, Sir, that persons who seek election to these local bodies have to spend a lot. Over and above that they will have to pay this court-fee which will be too much for them. I therefore consider that the Bill be referred to a select committee so that the members of the committee may give due consideration to the Bill and amend it in such a form as will not cause hardship to those who may desire to file election petitions against the election of their opponents. I therefore move that the Bill be referred to a select committee.

*Result of election is given in Appendix E, page 352.

The Hon'ble the Finance Member: As regards the honourable member's argument that candidates have to spend a lot of money on elections. I suggest that there is no reason why they spend a lot if the result is not as they wish. It is entirely in their discretion and if they think that Rs.150 is too much, they need not put in a petition. As regards the motion to refer the Bill to a select committee, it seems to me considering that there is only one clause, what is desired to be done can perfectly be well done by moving an amendment in this House without going to the select committee. It is merely wasting time over a very small matter.

The Hon'ble the President: The original motion was that the Bill to amend the United Provinces Court-fees (Amendment) Act be taken into consideration, since when an amendment has been moved that the Bill be referred to a select committee.

The question is that the Bill be referred to a select committee.

The question was put and negatived.

The Hon'ble the President: The question is that the Bill be taken into consideration.

The question was put and agreed to.

Mr. Brijnandan Lal: Sir, I wish to move an amendment that "rupees 50" be substituted for "rupees 150."

The Hon'ble the President: As no notice of this amendment was given, is there any objection?

Rai Bahadur Babu Vikramajit Singh: I object to its being moved.

The Hon'ble the President: An objection having been made, it can only be moved if the Chair suspend the Standing Order. I heard the Hon'ble the Finance Member say that amendment could be moved on the spot. Is there any objection if I suspend the Standing Order?

The Hon'ble the Finance Member: Not for me.

The Hon'ble the President: In this case I suspend the Standing Order in order to enable the honourable member to move the amendment.

Mr. Brijnandan Lal: I thank you, Sir, for suspending the Standing Order. I move, Sir, that "Fifty rupees" be substituted for "One hundred and fifty rupees".

The Hon'ble the Finance Member: Sir, the honourable member obviously does not attach much importance to the position of members of the Municipal and District Board. He wants to reduce the amount to Rs.50. Well, Sir, I have more respect for Municipal and District Board members than that. I consider they are worth more than Rs.50. However, I am prepared to move an amendment if you will permit me. Let us split the difference, and instead of fifty or one hundred and fifty rupees let us call it one hundred rupees.

Mr. J. M. Clay: Sir, I beg to move an amendment that in place of the words "One hundred and fifty rupees" the words "One hundred rupees" be substituted.

Rai Bahadur Babu Jagadeva Roy: I support the amendment that Rs.100 be substituted for Rs.150.

The Hon'ble the President: The amendment moved was that in clause 2, third column, for the words "One hundred and fifty rupees" the words "Fifty rupees" be substituted. Since when another amendment has been moved that for the words "One hundred and fifty rupees" the words "One hundred rupees" be substituted the question is that the words "One hundred and fifty rupees" stand part.

The question was put and negatived.

The Hon'ble the President: The question is that the words "One hundred" be inserted there.

The question was put and agreed to.

The Hon'ble the President: The other amendment need not be put now.

The Hon'ble the Finance Member: I move that the United Provinces Court Fees (Amendment) Bill, 1933, be passed.

The Hon'ble the President: The question is that the United Provinces Court Fees (Amendment) Bill, 1933, be passed.

The question was put and agreed to.

PRESENTATION OF THE EIGHTEENTH REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE RE-APPROPRIATION ACCOUNTS OF THE GOVERNMENT OF THE UNITED PROVINCES FOR THE YEAR 1930-1

The Hon'ble the Finance Member: I beg to present the Eighteenth Report of the Public Accounts Committee on the re-appropriation accounts of the Government of the United Provinces for the year 1930-1, and I move that it be adopted.

Mr. Brijnandan Lal: I beg to move that—

"But that this Council does not agree with the Public Accounts Committee that in the case of the embezzlement of cash from Almora sub-treasury [Paragraph 15(x)] the action taken is adequate and recommends to the Government that efforts should be made to realize more money."

I wish to draw the attention of the Council to a very serious case of embezzlement amounting to Rs.80,000 in Rs.100 currency notes from the Almora treasury chest, which was detected on the 30th March, 1930. The Accountant General says about this in his report on pages 72-3, "The Government deputed an officer of the Accounts Department to investigate the case. The report submitted by that officer in July, 1930, is still under their consideration and it is hoped that a final decision will be arrived at soon. The treasurer has made good only Rs.10,000 of the loss and the balance is yet to be recovered. It is understood that the tahvildar who embezzled the amount has been convicted and sentenced to a long term of rigorous imprisonment. The case is thus mentioned briefly in this report. As one and a half years have elapsed since the investigating officer's report was submitted to Government, it should have been possible for the Government to issue their final orders by this

time. Any further delay in reporting the case to the Committee on Public Accounts is to be deprecated. The loss in the currency chest has been treated as a transfer to the treasury balance and Rs.70,000 still stand under "suspense payments". The Director General of Audit draws the attention of the Public Accounts Committee to the delay on the part of the Government in dealing with the report in these terms: "The present report contains fewer cases of financial irregularity than the report of the previous year. Once more, however, a number of the cases reported are of specially unsatisfactory character. I think it would be desirable for the Public Accounts Committee to investigate all these cases of irregularity, but I invite particular attention to the cases commented upon in paragraphs 100 and 140 of the Accountant General's report. I also wish to invite the special attention of the Public Accounts Committee to the complaint of the Accountant-General of delay on the part of the local Government in dealing with cases of financial irregularity, defalcation and the like. In general, the report does not remove the impression previously created in my mind that the standard of financial discipline has not been as rigorous in the United Provinces as elsewhere." Now I will read that part of the report of the Public Accounts Committee which deals with this embezzlement, which will also show the action that has been taken by the Government: "An embezzlement of Rs.80,000 in notes from the currency chest of the Almora sub-treasury was detected on the 29th March, 1930, when the Government treasurer checked the balances. The local authorities promptly brought the matter to the notice of Government, who immediately deputed a special officer of the Accounts Department to make a full investigation. After a thorough inquiry extending over two months the special officer submitted a report which shows that the tahvildar of Almora committed the embezzlement. It also seems that successive officers who held charge of the treasury as also those who were required to verify balances periodically were negligent in their duties, while the Government treasurers themselves did not exercise an effective check over the work of the tahvildar, who, by reason of his long stay in Almora and the confidence reposed in him by the treasurers, was treated as above suspicion. The report thus implicated three parties—(1) the tahvildar, (2) Government officers, and (3) the treasurer. The tahvildar was tried criminally and has been sentenced to a long term of imprisonment. In the other two cases, the Government called for the explanations of the various officers concerned and also that of the treasurer.

These explanations did not affect the conclusions which had been reached regarding neglect of duty. Although the special officer's report contained indications of irregularities and mistakes in treasury registers since 1919, it was impossible to obtain any reliable information about the remoter years; and the Government took into consideration, for the purpose of the case, only the incidents relating to the currency chest during the period from the 27th September, 1927, (after which date the tahvildar apparently began to tamper with the money in the currency

[Mr. Brijnandan Lal.]

chest and to make unauthorized interpolations in the currency chest register to conceal the shortage) to the 29th March, 1930, when the embezzlement was actually detected. The retirement of one deputy commissioner and one tahvildar before the detection of the embezzlement precluded any disciplinary action being taken against them. Two district officers, four deputy collectors and one tahvildar have been directed to pay penalties aggregating Rs.1,750 fixed with regard to their pay and a note of the disciplinary action has been made in the character roll of each official.

During the period covered by the inquiry, there was admittedly : shortage of revenue staff in this district which, coupled with the abnormal conditions created by the non-co-operation and allied political disturbances, rendered it impossible to make satisfactory arrangements for the administration of the sub-treasury. This situation was brought to notice by the local authorities, but Government found it impossible at that time to give relief for treasury work. Since the 1st April, 1931, however, they have appointed to this sub-treasury a whole-time sub-treasury officer. These considerations were taken into account in fixing the amount of penalty imposed on the officials concerned.

The Government treasurer was also found guilty of gross negligence in his supervision over the work of the tahvildar. Under rules he is required to transfer tahvildars periodically and to check their books thoroughly every year. The particular tahvildar was, however, retained in the sub-treasury for 40 years. The present Government treasurer, during the three and a half years of his tenure of the office, examined the tahvildar's books only once and then, too, perfunctorily as he failed to detect the fraud. A Government treasurer is required by the terms of his security bond to make good any losses caused by the negligence or dishonesty of his servants employed at the treasury or any of the sub-treasuries. Ordinarily, therefore, the entire loss less the amount recovered from officers was recoverable from him. The Government, however, took into consideration the fact that the loss was caused not by his own dishonesty but by the dishonesty of his servant, that treasury officials had been negligent, and finally that it would cause considerable hardship if the entire loss was recovered. They accordingly decided to recover only Rs.30,000 from the treasurer. As against this he paid a sum of Rs.10,000 immediately after the detection of the embezzlement, and he has been directed to pay the balance of Rs.20,000 in not more than four instalments before September, 1935. The Government of India have written off the irrecoverable balance of Rs.48,250 as the loss will fall on Central Revenues.

As a precaution for the future, Government have strictly enjoined on the Commissioner the need of instructing the treasurer to conform to rules, and to carry out an annual and thorough examination of the books of the tahvildar. The Government have also laid stress on the need for a close observance by the officers concerned of the detailed instructions laid down for verification of treasury balances and for carrying out a thorough and complete check of tahvil balances at the time of the annual verification.

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We consider that the action taken is adequate and have no further comments to make."

I have two complaints to make, (1) that of delay on the part of Government in dealing with this question, and (2) the leniency shown by Government in dealing with the persons concerned. As regards delay, it hardly needs any comment or proof. The report of the special officer who was appointed to look into the matter indicates mistakes and irregularities in the treasury registers since 1919, and the fraud was detected in 1930. The special officer made his report in two months and the Government took about two years in taking an action on the report of the special officer. In view of this delay, I submit that the words used by the Public Accounts Committee, "immediately" and "promptly", are hardly appropriate. The report of the Committee says that the local authorities promptly brought the matter to the notice of the Government who immediately deputed an officer to make a full investigation. It is hardly necessary for me to tell the Council that delay and leniency in these matters will prove very disastrous; and I can give a very good illustration of that from my own district. Only a month ago, the auditor detected a shortage of about 300 maunds of grain in the district jail of Fatehgarh; and two officers, the jailer and the deputy jailer, have been suspended. But what I want to draw the attention of the Council to is this, that one of these officers was guilty of a very serious thing about two years ago, and the matter was reported to the Government, but the Government have not taken any action as regards the previous offence up to this time. Had Government taken an action then, probably this second thing would not have happened. In the case, of shortage of grain, so far nobody has been prosecuted. The first offence is hardly relevant in this connexion, but I want to mention it. A prisoner was kept in the district jail two months longer than he should have been. The Secretary of State has been given a notice and if the plaintiff obtains a decree, there will be another loss to the tax-payer.

Shaikh Muhammad Habibullah: Is this case under investigation?

Mr. Brijnandan Lal: Whose investigation?

Shaikh Muhammad Habibullah: Police investigation?

Mr. Brijnandan Lal: The case has not yet been entrusted to the police at all.

I have mentioned this case only by way of illustration. If this sort of slackness is shown in these serious matters it is bound to have serious consequences.

My second point is about the leniency. The special officer's report implicated three parties—the tahvildar, Government officers and the treasurer. Now, what has been done to the Government officers? Some of them escaped scot free. The retirement of one deputy commissioner and one tahvildar before the detection of the embezzlement precluded any disciplinary action against them. I wonder why they were not made liable after retirement. If an officer is negligent and on account of his negligence a lot of money has been misappropriated, I wonder why he cannot be made liable after retirement.

The Hon'ble the Finance Member: Because of the law.

Mr. Brijnandan Lal: If the law is such then it ought to be amended. Then as regards those Government officers against whom action was taken, it was not adequate at all. Two district officers, four deputy collectors, one tahvildar and two naib-tahsildars, whose negligence was established, have been ordered to pay Rs.1,750 out of a sum of Rs.80,000. I wonder how this proportion was worked out. Remember, Sir, that this is only one case out of many others. There is another case of the embezzlement of a sum of Rs.44,000 in the Medical School, Agra. These things should be set right in the time of my friend the Hon'ble Mr. Blunt. This was going on since 1919 and the thing was detected in 1930, that is, 12 years after. And the Public Accounts Committee say that the action taken is adequate. I do not see how it is adequate. The Government officers are not punished because somebody else also is responsible. The treasurer is not to pay more, because the treasury officials have been negligent and the treasury officials are not to be punished, because the treasurer has been negligent. Then, who is to bear the loss? The tax-payer, I suppose, who is the weakest person to be saddled with all these things. I submit, in future more promptness should be shown and in the second place, if possible, more money should be realized from the officials. They are very highly paid not to neglect their work and not to impose an extra burden on the already overburdened tax-payer and if they have neglected their duty they must suffer. Otherwise these things will go on every day. With these words I commend my amendment to the acceptance of the House.

Shaikh Muhammad Habibullah: Sir, to start with I say that I rise to oppose the amendment. It shows from the very nature of the speech made by my friend that he is not acquainted with realities. He has read the reports and as a lawyer, and an able lawyer, he has drawn some conclusions which, if put to practical test, will not result in correct conclusions. He has moved an amendment which I do not think, he supports himself. He says "This Council does not agree with the Public Accounts Committee that in the case of the embezzlement of cash from Almora sub-treasury the action taken is adequate and recommends to the Government that efforts should be made to realize more money."

Well, as for adequacy of action taken by Government he has not said anything except criticizing the people involved, the tahvildar, the officers who have been inspecting the balance and the treasurer who stood security. In fact in business there is something like confidence and that confidence is only created by being in touch with individuals for long periods. Then there is a further point. These Government officers who inspect the treasuries are not required to do only this work. Sometimes when there is work elsewhere, as for example in political unrest, they devote to treasury work only a few minutes daily. Now, how could such a man, if the inspection of treasury is only a hundredth part of his duty, be held responsible for a thing which is really done by a treasurer, who again has to rely on others for whom he stands as security for the performance of the work entrusted to him? The punishments in cases of officers, as for example the stoppage of promotion or

a black entry in the character roll, go much farther than any compensation which Government may demand in cash from them. Let my friend picture to himself for a moment that he is in Government service where he has the prospect of going up higher and higher in the scale of pay. The moment he is told that on account of a certain action of his, his promotion would be stopped, his whole career would be finished. To him a loss of ten or twelve thousand rupees would be nothing as compared to a punishment of this kind. So I submit that for a government servant a bad entry in his character roll or the stoppage of promotion is regarded as a more severe punishment than the fine of a few thousand rupees only.

Then, my honourable friend asked why the treasurer should not be compelled to make good the whole loss, as he stood security for his men. After all, Government must have gone already into the man's financial position, and they must have imposed a suitable fine on him. But if we accept the verdict of our friend here and compel the treasurer to make good the entire loss, then I submit that we would not be at all fair to him. Nor is this practicable. Such losses are inevitable and can only be gauged correctly by those who have some knowledge of the work. When the matter was brought to our notice in the Accounts Committee, we took a most serious view of it, and after protracted discussion came to the conclusion that the action taken by Government was adequate. And who will condone an offence of this kind? Government have done what they could. They have punished the government servants involved. They have done what they could to get money out of the man who stood security for the tahvildars. After all, the treasurer gets very little pay from Government. The treasurer at Almora, where the embezzlement occurred, could not be getting more than Rs.100 a month. Then this man has to pay several tahvildars. Now, how could Government demand Rs.80,000 from a man who was getting a paltry pay of Rs.100 a month? If it were a rule that any defalcation was to be made good by the treasurer himself, there was no need of an inspecting officer, nor was there any need for his standing security for others, or even for submitting regular accounts. It is absolutely secured. If there are any defalcations the treasurer has got to make them good. I think all these facts will have to be considered before any announcement is made to the effect that the action taken by the Government was inadequate or that more money could be realized by the treasurer. I think my friend will take a more humane and more practical view of this affair. I do not think that Government have shown any mercy and I have no reason to think that Government will do so. After all, they have no love for the Almora people. I do not think there is any reason to think that Government was either too merciful or too lenient. The servants involved are not imperial service officers—only one deputy commissioner, poor fellow!—the others are tahvildars and sub-treasury officers and the deputy commissioner is not even there, so that you cannot say that Government had any motive in condoning the action. We have gone through the case very thoroughly in the Accounts Committee, and I strongly oppose this motion.

Rai Bahadur Thakur Hanuman Singh: The question before the House was fully discussed by the members of the Accounts Committee and we very strongly criticized the action of the Government with regard to the institution of investigation and submission of official reports. Beyond a criticism of the action nothing else was possible. This is one of the complaints of the honourable mover of the motion. The other complaint is that of leniency on the part of the Government towards the officials concerned. It was fair on the part of the Government not to pursue the officers in their retirement; those who were in service have been reprimanded and to a certain extent penalized. As regards the mover's desire, it would not have been very just on the part of the Government to realize the whole amount embezzled from the treasurer. Had the Government done so it is quite possible that the treasurer would have been free. The Government ordered the realization of such amount as they thought could be realized without ruining him for the future, and I think that punishment was adequate. It was not the treasurer himself who embezzled the money, but it was the tahvildar in whom he reposed confidence which was unfortunately misplaced. If the Government on such occasions did not show leniency then I think it would be too difficult for them to get men to work as treasurers. Therefore I think that the action of the Government in realizing a smaller amount than the amount embezzled was justified and adequate. I think the Accounts Committee cannot be blamed for considering the action of the Government as adequate.

The Hon'ble the Finance Member: The honourable member made two main points. The complaint, in the first instance, is in regard to the delay in coming to a decision. In the second place, he complained that the penalties were inadequate. I will take the point of delay first. I do not think the honourable member realizes how enormously complicated a case this was. We had to collect explanations from no less than 20 officers scattered all over the Province, all of whom naturally wanted permission to examine the records before they could give their explanations. An average man's memory of small peccadilloes generally does not extend to twenty years. It took ten months to collect these explanations. When that was done, the Commissioner had to examine the whole case and sent his report on it. This report—I do not exactly remember how many pages it contained—was a very big piece of work, and he had to do this in addition to his other work. If that piece of work had to be done in one month or six weeks, then it would have been necessary to put a special officer to do it. Government itself only took four months to examine that case; but we had, of course, seen it in its initial stages. He referred in this connexion to a case in Fatehgarh. Well, I admit that I know nothing about this affair, and apparently none of those sitting behind do either. But I understand that that is a matter of Rs.300, and a simple case. This is a matter of Rs.80,000 and numerous complicated cases,—20 officers were concerned besides the tahvildar and treasurer. I certainly do not think that the delay, considering the nature of the case, was any more than could be expected. The other point is the sufficiency of the

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punishments. The honourable member reminds me of one of Gilbert and Sullivan's Operas, the Mikado. Apparently his idea of punishment is "something lingering, with boiling oil in it." I take the case of the officials first. Surely when you are punishing a man you don't look at the results of his fault. You look at the fault itself and the guarantee of it. A very trifling irregularity, for instance, might involve Government in a heavy loss. But you do not hang people because an error on somebody's part which has had no results whatever in 99 cases out of 100, happens to cause the death of a good many people in the hundredth case. You have got to look at the offence and the gravity of it not at its results.

Another point as regards the officials is that this is the first time that any sort of fine, technically known as surcharge, has ever been imposed on an official, because the amendment in the rules which makes a surcharge possible was only passed in 1930.

As for the treasurer, well, the reasons are given there in the Public Accounts Committee report. It was not his fault. It was the fault of his servant. He was not the only person to blame. It was he who, in the end, discovered the fraud. And lastly if we did take the whole sum of money from him, as we could have done under his guarantee then he would have been ruined. As it was, the mere fact that this loss was suffered by him very nearly did ruin him.

The honourable member also complained that a certain deputy commissioner and tahsildar had not been punished at all because they had retired. Well, I ask the honourable member whence could we have made any recovery in their cases? Obviously only from their pensions. But pensions are protected under the Pensions Act, and cannot be touched in a matter of that kind or in that way. He also told us that it caused a grave loss to the tax-payer. Strictly speaking, there was practically no loss to the tax-payer. All that happened was that a considerable number of notes disappeared, and the only cost to the tax-payer was the expense of replacing those notes, which was not very great. But it was certainly a great gain to the thief. The last point that I have to make is that this Government has suffered no loss. It was the currency chest that was looted: and the currency chest belongs to the Government of India. The Government of India have accepted this Government's decision. They have written off the irrecoverable balance and by so doing have shown themselves satisfied with the punishments that have been inflicted and the amount of money that has been recovered. And if the authority most concerned is satisfied, why should this House ask for greater security?

Of course if the honourable member or the House wish absolutely to prevent loss in cases of this kind, then the only method is insurance. But that would be an expensive method and I personally should not recommend insurance to the House.

(Mr. Brijnandan Lal rose).

The Hon'ble the President: Does the honourable member wish to say anything? I am afraid he has no right of a second speech now. The

[The Hon'ble the President.]

honourable member has no right to reply but if the House wish to hear him I may stretch the rule. Is the honourable member very keen to make a speech?

Mr. Brijnandan Lal: No, Sir.

The Hon'ble the President: The original motion was that the eighteenth report of the Public Accounts Committee on the reappropriation accounts of the Government of the United Provinces for the year 1930-1 be adopted. To which an amendment has been moved that the following be added :

“But that this Council does not agree with the Public Accounts Committee that in the case of the embezzlement of cash from Almora sub-treasury [paragraph 15(x)] the action taken is adequate and recommends to the Government that efforts should be made to realize more money.”

The amendment was put and negatived.

The Hon'ble the President: The question is that the report be adopted.

The question was put and agreed to.

PRESENTATION OF DEMANDS FOR EXCESS GRANTS RELATING TO THE FINANCIAL YEAR 1930-1

The Hon'ble the Finance Member: Sir, I rise to present the demands for excess grants arising out of the same report.

I beg to report to the Council the recommendation of His Excellency the Governor that these various excess grants be made. With your permission, Sir, I will as usual read them all.

Grant no. 7. Superannuation allowances and pensions, Rs.1.11,550.

Grant no. 13. Administration of Justice, Rs.45,034.

Grant no. 29. Charges on account of Public Works establishment, Rs.17,897.

Grant no. 32. Grants-in-aid of Civil Works, Rs.791.

Grant no. 34. General Administration, Rs.91,375.

Total Rs.2,66,647.

I move that these grants be made.

The Hon'ble the President: The question is that for Superannuation allowances and pensions a sum of Rs.1,11,550 be granted to cover excess expenditure over grant.

The question was put and agreed to.

The Hon'ble the President: The question is that under Head “Administration of Justice” a sum of Rs.45,034 be granted to cover excess expenditure over grant.

The question was put and agreed to.

The Hon'ble the President: I have repeatedly requested honourable members kindly to stick to their first seat which they take when they come to the Council. Like this it is really disturbing the work of the Chair I am afraid.

The Hon'ble the President: The question is that for Charges on account of Public Works Establishment a sum of Rs.17,897 be granted to cover excess expenditure over grant.

The question was put and agreed to.

The Hon'ble the President: The question is that for Civil Works a sum of Rs.791 be granted to cover excess expenditure over grant.

The question was put and agreed to.

The Hon'ble the President: The question is that for General Administration a sum of Rs.91,375 be granted to cover excess expenditure over grant.

The question was put and agreed to.

PRESENTATION OF DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1932--3

The Hon'ble the Finance Member: Sir, I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 1—Charges on account of General Administration (Reserved and Transferred) a supplementary grant of Rs.2 be made and I move that that sum be voted.

The Hon'ble the President: The question is that under Head 'Charges on account of General Administration (Reserved and Transferred)' a sum of Rs.2 be granted as a supplementary sum.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 4—Superannuation Allowances and Pensions (Reserved) a supplementary grant be made of Rs.1,12,435 and I move that that sum be voted.

The Hon'ble the President: The question is that under Head 'Superannuation Allowances and Pensions (Reserved)' a supplementary sum of Rs.1,12,435 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: Sir, I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 6—Interest on Debt (Reserved) a supplementary grant of Rs.62,850 be made and I move that that sum be voted.

The Hon'ble the President: The question is that for 'Interest on Debt (Reserved)' a supplementary grant of Rs.62,850 be made.

The question was put and agreed to.

The Hon'ble the Finance Member: Sir, I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 24—Loans and Advances by the Local Government (Reserved), a supplementary grant of Rs.5,96,000 be made and I move that that sum be voted.

The Hon'ble the President: The question is that for 'Loans and Advances by the Local Government (Reserved)' a sum of Rs.5,96,000 be granted.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 28, Construction of Irrigation and Hydro-Electric Works not charged to Revenue, a supplementary grant of Rs.22,500 be made and I move that the said sum be voted.

The Hon'ble the President: The question is that a supplementary sum of Rs.22,500 under the head "Construction of Irrigation and Hydro-Electric Works not charged to Revenue" be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 30, Jails a supplementary grant of Rs.1,71,631 be made and I move that the said sum be voted.

The Hon'ble the President: The question is that a supplementary sum of Rs.1,71,631 be granted under the head "Jails".

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 31, Stamps, a supplementary grant of Rs.32,358 be made and I move that the said sum be voted.

The Hon'ble the President: The question is that for Stamps a supplementary sum of Rs.32,358 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 32, Miscellaneous Charges, a supplementary grant of Rs.17,475 be made and I move that the said sum be voted.

The Hon'ble the President: That question is that for Miscellaneous Charges a supplementary sum of Rs.17,475 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 34, Refunds, a supplementary grant of Rs.40,740 be made and I move that the said sum be voted.

The Hon'ble the President: The question is that Rs.40,740 be granted for Refunds.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 38, a new grant, Extraordinary charges, a sum of Rs.18,500 be granted and I move that the said sum be voted.

The Hon'ble the President: The question is that for Extraordinary charges, a sum of Rs.18,500 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under the new Grant no. 39, Payment to Retrenched Personnel, a grant of Rs.12,700 be made and I move that the said sum be voted.

Rai Bahadur Babu Vikramajit Singh: I beg to move that under Grant no. 39 (new), head 61—Payment to retrenched personnel, a reduction of Re. 1 be made.

My object in moving this cut is to receive information from the Government as to the particulars under which this money is going to be spent. I wish to know the class of people and the individual or individuals who will be retrenched and to whom payments will be made. I should also like to know the reasons on account of which this retrenchment has been made, whether it is on the ground of economy or whether it is on any other ground that this personnel has been retrenched. My intention is to have particulars and information about persons to whom this sum of money is going to be paid.

Mr. C. St. L. Teyen: Sir, I give the information required by the honourable member by taking heads in the demand. The sum of Rs.1,200 under General Administration is required for Secretariat retrenchment. A certain number of stenographers on the Secretariat staff was reduced and those selected for retrenchment—one as a matter of fact had offered to be retrenched—were entitled to gratuities. The sum of Rs.4,800 under Education is connected with retrenchment in the Roorkee College. As honourable members know, the Hon'ble the Minister presided over a committee appointed to consider fully what economies could be made in the staff of the Thomason Civil Engineering College at Roorkee, and a certain number of the personnel has been reduced. Those retrenched are also entitled to gratuities on the basis of length of service. The Industries item, which is similar, relates to a few schools closed on the recommendation of the Economy Committee of 1931 as well as to staff in the Technological Institute reduced on the recommendation of a special committee appointed by the Hon'ble the Minister. The last item under Civil Works relates to both non-voted and voted items. The non-voted sum is required for the gratuity admissible under statutory rules to the late Consulting Architect whose post, as honourable members will remember, was reduced on the recommendation of the Retrenchment Committee. The votable sum is required partly for some of the staff which used to work with the Consulting Architect and partly for minor staff reduced in divisional and other offices as a measure of economy. If any further information is required by the honourable member, I shall be glad to give it. In my room I can give detailed particulars if he wants any.

Shaikh Muhammad Habibullah: Are there any rules under which a person if compulsorily retrenched is entitled to a gratuity?

Mr. C. St. L. Teyen: Yes, Sir. The Secretary of State has laid down rules for officers under his control, the Government of India for officers under them, and the Local Government have made rules for officers under their control. The rules are all on similar lines. If Government retrench an officer, he is entitled to half a month's pay subject to a maximum of $7\frac{1}{2}$ months' pay, that is, up to 15 years' service. After 15 years, the amount of gratuity is reduced by half a month's pay till it disappears in 30 years. There is no gratuity for 30 years' service and more. The servant then receives only his pension.

Rai Bahadur Babu Vikramajit Singh: What posts have been brought under reduction in the Roorkee College?

Mr. C. St. L. Teyen : One post of professor, a medical officer, two lecturers, a few clerks and menials, but the main posts are those of a professor, two lecturers and a medical officer.

Khan Bahadur Maulvi Fasih-ud-din : Lecturers of what subjects?

Mr. C. St. L. Teyen : One was a lecturer in Mechanics and the other in Survey.

Rai Bahadur Babu Vikramajit Singh : I beg to withdraw the motion.

The motion was, by leave, withdrawn.

The Hon'ble the President : The question is that for payment to retrenched personnel a sum of Rs.12,700 be granted.

The question was put and agreed to.

RESOLUTION REGARDING THE LOAN PROGRAMME

The Hon'ble the Finance Member : Sir, I beg to move the following :

"That this Council recommends to the Government :—

(a) the completion from loan funds of certain police buildings in the year 1933-4; and

(b) the continuance of the capital programmes of hydro-electric projects, advances to local bodies and cultivators, and pension commutations, and a capital programme of State tube-wells construction."

I am rather unfortunate from one point of view that I thought that this number X would be reached long after I had delivered my budget speech, and consequently that I would have had to say nothing about it, because everybody would have heard all I had to say in that speech. I may, however, explain a few points. The completion from loan funds of certain police buildings involves a sum of only Rs.22,000. The sum involved in the continuance of the other capital programmes mentioned amounts to about 35½ lakhs, so far as I remember, including advances to local bodies and cultivators, pension commutations—a matter requiring about 10 lakhs—and the State tube-wells. These are all items of expenditure which have been before the House again and again. At this stage what I ask the House to do is merely to accept the principle of this loan programme. The question of the amount of money to be voted is one which can easily be raised in the course of the debate on the demands.

Shaikh Muhammad Habibullah : Sir, I think it is within the memory of this House that in prosperous times we strongly protested against loan money being used on non-productive works of this nature. I think it is high time that we should not put up any buildings out of the loan fund. Both the Government and the people should put their shoulders together to see that nothing is done which requires any expenditure which is not absolutely urgent and necessary. I hope the Hon'ble the Finance Member, who understands these things much better than I do, will pause for a moment and think whether it is time that we should proceed with anything of this kind when we do not know what is going to be our future. It appears to me that we are passing through a cyclone of bad luck. Rain, which is at times a boon, is at another time a curse. Goodness knows what is going to be the fate of the agriculturist at the end of the year. Our Province largely depends on income from agriculture and unless I feel sure that

our finances next year are going to be good, I think—not only I, but everybody here will agree with me—that we should not launch upon any extra expenditure. To me everything looks very gloomy for the public, and if it is for the public, I think it must be equally gloomy for the Government too, because they go together. In these circumstances I think the honourable member will please keep this resolution in abeyance and not take the opinion or the permission of the House to go on with these considerations or these schemes.

The Hon'ble the Finance Member: I thought I had made it perfectly clear when I spoke before that the total amount included in this loan programme for buildings, or I may say for unproductive purpose of any kind, is Rs.22,000. Nothing more. And that sum is necessary to complete works which are unfinished—one work only, I think—and also to pay certain small bills which are outstanding. The honourable member invited me to pause and think before I undertook any more of this unproductive expenditure. Well, Sir, I certainly *have* thought, and as a result of thought I have made a pause. There is nothing new whatsoever. As for the rest of his speech, he was to a certain extent, anticipating the budget. He spoke in most pessimistic terms. Well, Sir, we will hope for the best. We will know the worst at 3.30 this afternoon. I can, however, assure the House that Rs.22,000 is the only sum that will be spent on unproductive projects, that we must have the money, because we owe it in some cases and in other cases we cannot leave a building unfinished, and that is all we are going to spend and not a penny more.

The Hon'ble the President: The question is that this Council recommends to the Government:—

(a) the completion from loan funds of certain police buildings in the year 1933-4; and

(b) the continuance of the capital programmes of hydro-electric projects, advances to local bodies and cultivators, and pension commutations, and a capital programme of State tube-wells construction.

The question was put and agreed to.

ELECTION TO THE ADVISORY COMMITTEE OF THE EAST INDIAN RAILWAY.

The Hon'ble the Finance Member: I beg to move that the Legislative Council do elect, in such manner and on such date as may be directed by the Hon'ble the President, two non-official members to serve on the United Provinces Advisory Committee of the East Indian Railway in place of Rai Bahadur Lala Behari Lal and Rai Sahib Jwala Saran Kothiwala, whose tenure of office has expired or will shortly expire.

The Hon'ble the President: The question is that the Legislative Council do elect, in such manner and on such date as may be directed by the President, two non-official members to serve on the United Provinces Advisory Committee of the East Indian Railway in place of Rai Bahadur Lala Behari Lal and Rai Sahib Jwala Saran Kothiwala whose tenure of office has expired or will shortly expire.

The question was put and agreed to.

The Hon'ble the President: May I have nominations now?

Rai Bahadur Babu Vikramajit Singh: I propose the name of Khan Bahadur Maulvi Fasih-ud-din as one of the members.

Thakur Muneshwar Bakhsh Singh: I propose the name of Pandit Shri Sadayatan Pande.

Mr. E. M. Souter: I propose Mr. Medley.

Rai Bahadur Thakur Hanuman Singh: I propose the name of Lala Behari Lal.

Kunwar Jagbhan Singh: I propose the name of Thakur Rampal Singh.

The Hon'ble the President: I have received five names which have been proposed for the two vacancies. They are:—

- (1) Khan Bahadur Maulvi Fasih-ud-din,
- (2) Pandit Shri Sadayatan Pande,
- (3) Mr. Medley,
- (4) Rai Bahadur Lala Behari Lal, and
- (5) Thakur Rampal Singh.

If there is no withdrawal, I shall order an election now.

(After a pause).

An election will proceed.

Two members have to be elected.

The voting papers had better be signed.

Shaikh Muhammad Habibullah: Sir, have we got to write our names?

The Hon'ble the President: Yes, please.

(After votes had been counted).

The Hon'ble the President: Pandit Shri Sadayatan Pande and Khan Bahadur Maulvi Fasih-ud-din have secured the largest number of votes and are declared elected to the East Indian Railway Advisory Committee.

ELECTION TO THE ADVISORY COMMITTEE OF THE GREAT INDIAN PENINSULA RAILWAY

The Hon'ble the Finance Member: I beg to move that the Legislative Council do elect, in such manner and on such date as may be directed by the Hon'ble the President, one non-official member to serve on the United Provinces Advisory Committee of the Great Indian Peninsula Railway in place of Khan Bahadur Maulvi Saiyid Habibullah, whose tenure of office has expired.

The Hon'ble the President: The question is that the Legislative Council do elect, in such manner and on such date as may be directed by the President, one non-official member to serve on the United Provinces Advisory Committee of the Great Indian Peninsula Railway in place of Khan Bahadur Maulvi Saiyid Habibullah whose tenure of office has expired.

The question was put and agreed to.

Khan Bahadur Saiyid Jafer Hosain: I propose the name of Lala Shyam Lal.

The Hon'ble the President: Lala Shyam Lal's name is the only name proposed on the Advisory Committee of the Great Indian Peninsula Railway and he is declared elected.

ELECTION TO THE KING EDWARD VII SANATORIUM TRUST COMMITTEE, BHOWALI

The Hon'ble the Minister for Local Self-Government: I move that the Legislative Council do elect, in such manner and on such date as may be directed by the Hon'ble the President, five non-officials, not necessarily being members of the Council, but two of whom should be members of the medical profession practising in the United Provinces, to serve on the King Edward VII Sanatorium Trust Committee, Bhowali, in place of the following, whose term has expired :

- (1) Rai Bahadur Dr. B. N. Vyas, M.D., Lucknow.
- (2) Rai Bahadur Thakur Hanuman Singh, M.L.C.
- (3) Babu Shambhu Nath, Rais, Sitapur.
- (4) Dr. Shafa'at Ahmad Khan, M.A., D. LITT., Allahabad.
- (5) Dr. Abdus Samad, B.A., M.B., Cawnpore.

The Hon'ble the President: The question is that the Legislative Council do elect, in such manner and on such date as may be directed by the President, five non-officials, not necessarily being members of the Council, but two of whom should be members of the medical profession practising in the United Provinces to seven on the King Edward VII Sanatorium Trust Committee, Bhowali, in place of the following whose term has expired :

- (1) Rai Bahadur Dr. B. N. Vyas, M.D., Lucknow.
- (2) Rai Bahadur Thakur Hanuman Singh, M.L.C.
- (3) Babu Shambhu Nath, Rais, Sitapur.
- (4) Dr. Shafa'at Ahmad Khan, M.A., D. LITT., Allahabad.
- (5) Dr. Abdus Samad B.A., M.B., Cawnpore.

The question was put and agreed to.

The Hon'ble the President: I should like to receive nominations for the two non-officials of the medical profession.

Rai Bahadur Babu Vikramajit Singh: I propose the names of Dr. B. N. Vyas and Dr. Abdus Samad.

Rai Bahadur Babu Awadh Behari Lal: I second the proposal.

The Hon'ble the President: I take it that there are no further nominations for these two places. I should like to have nominations for the other three non-official places.

Rai Bahadur Babu Vikramajit Singh: I propose the names of Khan Bahadur Saiyid Jafer Hosain, Shaikh Muhammad Habibullah and Rai Bahadur Thakur Hanuman Singh.

Khan Bahadur Maulvi Fasih-ud-din: I second the proposal.

Lala Shyam Lal: I propose the names of Thakur Jang Bahadur Singh Bisht and Pandit Prem Ballabh Belwal.

Thakur Giriraj Singh: I second the proposal.

The Hon'ble the President: For three vacancies five names have been proposed—

- (1) Khan Bahadur Saiyid Jafer Hosain.
- (2) Shaikh Muhammad Habibullah.
- (3) Rai Bahadur Thakur Hanuman Singh,
- (4) Thakur Jang Bahadur Singh Bisht, and
- (5) Pandit Prem Ballabh Belwal.

Three out of the five have to be elected. The election will proceed now.

(After the voting papers had been collected and the votes counted)

The Hon'ble the President: Pandit Prem Ballabh Belwal, Khan Bahadur Saiyid Jafer Hosain, and Thakur Jang Bahadur Singh Bisht have secured the largest number of votes and so the following five are declared elected :

- (1) Rai Bahadur Dr. B. N. Vyas,
- (2) Dr. Abdus Samad,
- (3) Pandit Prem Ballabh Belwal,
- (4) Khan Bahadur Saiyid Jafer Hosain,
- (5) Thakur Jang Bahadur Singh Bisht.

ELECTION TO BOARD OF PUBLIC HEALTH

The Hon'ble the Minister for Local-Self Government: Sir, I beg to move—

That the Legislative Council do elect, in such manner and in such date as may be directed by the Hon'ble the President, two non-official members to serve on the Board of Public Health, United Provinces, in the place of Khan Bahadur Hafiz Ghazanfarullah and Rai Bahadur Babu Kampta Prasad Kakker whose terms have expired.

The Hon'ble the President: The question is that the Legislative Council do elect, in such manner and on such date as may be directed by the President, two non-official members to serve on the Board of Public Health, United Provinces, in place of Khan Bahadur Hafiz Ghazanfarullah and Rai Bahadur Babu Kampta Prasad Kakker, whose terms have expired.

(The question was put and agreed to)

Mr. Brijnandan Lal: I propose the name of Rai Bahadur Babu Kamta Prasad Kakker.

Rai Bahadur Thakur Hanuman Singh: I second the proposal.

Rai Bahadur Babu Vikramajit Singh: I propose the name of Khan Bahadur Muhammad Hadiyar Khan.

Lala Shyam Lal: I propose the names of Thakur Giriraj Singh and Rai Sahib Babu Rama Charana.

Mr. Bhendu Ram: میں تائید کرتا ہوں

Rai Bahadur Babu Awadh Behari Lal: I propose the name of Chaudhri Dhirya Singh.

Khan Bahadur Saiyid Jafer Hosain: I propose the name of Khan Sahib Maqsud Ali Khan.

The Hon'ble the President: For two seats on the Board of Public Health six names have been duly proposed—

- (1) Rai Bahadur Babu Kamta Prasad Kakker,
- (2) Khan Bahadur Muhammad Hadiyar Khan,
- (3) Thakur Giriraj Singh,
- (4) Rai Sahib Babu Rama Charana,
- (5) Chaudhri Dhirya Singh, and
- (6) Khan Sahib Maqsud Ali Khan.

Election will now proceed.

After the voting papers had been collected and the votes counted.

The Hon'ble the President: Thakur Giriraj Singh and Rai Sahib Babu Rama Charana have secured the largest number of votes and they are declared elected to serve on the Board of Public Health.

A BILL TO AMEND THE COURT OF WARDS ACT IV OF 1912

The Hon'ble the Finance Member: Sir, I present the report of the Select Committee on the Bill to amend the Court of Wards Act, IV of 1912. Sir, With your permission, I do not propose to go any further with this motion at present. It is a measure which has aroused considerable amount of interest, but I see no amendments on the paper except mine, and I should not like to be suspected of trying to rush the Bill through when the protagonists on both sides are absent. Consequently, with your permission, I propose to take this Bill up at the end of the present session, that is to say about the end of March, after

The Hon'ble the President: After having gone through an assorted variety of heavy agenda, the Council deserves a sufficiently long interval. We shall now re-assemble at 3.30 p.m., when the Hon'ble the Finance Member will present the budget.

The Council was then adjourned at 1 p.m. till 3.30 p.m.

(After recess the House re-assembled at 3.30 p.m. with the Hon'ble the President in the Chair.)

PRESENTATION OF THE BUDGET, 1933-4.

The Hon'ble the Finance Member: I rise to present the budget for the year 1933-4. I may first explain that all through this speech the figures which I quote are those in red ink wherever these exist. The explanation of the double entries in black and red ink respectively is given on page 8 of the memorandum by the Finance Secretary, to which I refer honourable members. I use these, because, as Finance Secretary says, they give a truer picture of the financial position of the province than the parallel figures in black ink.

2. The budget of the year 1932-3 could only have been described as a calamity budget. That for the next year is much less unfavourable as I shall shortly proceed to show. I have, however, to inform the Council of a calamity of another sort and which, I fear, is irreparable. I am referring to the impending retirement of the Finance Secretary, Mr. Teyen. Honourable members are well aware of his worth. He has served the Government faithfully, giving us at all times the best that is in him, and that is a very good "best." Starting as a clerk in the Accountant General's office, he has worked through all the grades to the top of his department. His sound judgment, his wide knowledge, his long experience and his amazing memory have been of the utmost service to successive Finance Secretaries and Members. He and I have worked together in close association for the past 13 years, and perhaps none can realize as well as I what the Finance Department will be without him. It will be like playing "Hamlet without the Prince of Denmark". In losing him I feel that I am losing not only a valuable assistant, but a valued friend. I am sure that this Council, whose interests he has served throughout its career, will feel the same as I do. It is no exaggeration to say that he has at all times shown more jealousy to maintain Council's rights and privileges than the Council itself. I am sure that we all wish him the best in his retirement. He will be succeeded by Mr. Sathe, to whom I offer a welcome in his new post.

[The Hon'ble the Finance Member.]

His predecessor has left him a very high standard to follow, but I am sure that he will strive to maintain it.

3. From budget-maker I turn to budget. As the Council knows, provincial receipts are of several kinds. Formerly there were four of these; there are now five, namely the Famine Relief Fund, the Road Development Fund, the Provincial Loans Fund account, certain grants for specific purposes, and finally our own provincial resources. I deal with these one by one.

4. *Famine Fund*—The Famine Relief Fund is regulated by a special set of statutory rules. Every year we have to set apart a sum of 16 lakhs for famine relief, subject to the condition that when the sum reaches 55 lakhs, the assignment ceases and need only be resumed when there has been expenditure from the fund sufficient to reduce it below that maximum, and even then only to the extent necessary to restore it. We receive interest on the balance from the Central Government which is also credited to the fund and is always more than enough to cover the ordinary annual expenditure on famine relief. In March, 1933, the closing balance will stand at nearly 58 lakhs, and so no assignment need be made to it during the budget year. With interest, which is paid by the Central Government, this figure will rise to 60½ lakhs, and we are withdrawing from it a sum of 5 lakhs which the figure will stand just over 55 lakhs.

5. *Road Fund*—The Central Road Development Fund came into we shall utilize on repayment of debt. At the end of the year 1933-4, existence during the year 1930-1. It is financed out of the proceeds of a central tax on petrol, a share of which is allotted every year to every province for expenditure on improving communications. Recently the Government of India reviewed the shares of provinces since 1930-1, with the result that ours has risen during the current year to 7½ lakhs including arrears. At the end of March, 1933, the balance will be just over 10 lakhs. During the budget year we expect to receive nearly 5½ lakhs, whilst after expenditure, described in the detailed grant, we shall have at our credit in March, 1934, a sum of 14 lakhs.

6. I have to remind the Council that these two funds can only be used for special types of expenditure, and that the balance in them cannot be diverted to other purposes. If by chance the balance of total provincial receipts over total provincial expenditure falls below the sum of the balances in these two funds, then it becomes necessary to recoup them. This has happened in each of the last four years, and will happen again in the budget year. It is, of course, the result of the accumulation of former deficits.

7. *Loan Fund*—The Provincial Loans Fund is administered by the Central Government, and is used to finance advances for capital expenditure to the provinces. In theory the advance taken should just cover the whole outlay for which it is intended. In practice, however, there are invariably differences between the two. The account is adjusted by borrowing, in the following year, either less or more than will actually be spent. At the end of the current year we shall have spent Rs.33,000 more than we borrowed, and must accordingly recoup ourselves by adding that amount to our borrowings in the budget year. We

shall thus receive from the fund 36 lakhs, though our actual expenditure will be less than this amount by the Rs.33,000 aforesaid. As compared with former figures, this is certainly not high. Of this figure, moreover, about 9½ lakhs are required for commutation of pensions where the consequent saving in pensions is enough to pay all debt charges: no less than 26½ lakhs will be spent on remunerative projects: and only Rs. 22,000 on the completion of certain unproductive projects, to which we are already committed.

8. *Grants*—Both the Imperial Council of Agricultural Research and the Central Cotton Committee are giving us grants for a number of schemes, of which we have to keep a separate account, refunding unexpended balances. In the year 1933-4 the amount to be spent is nearly Rs.52,000 which is required for researches into rice, experiments connected with cotton, and veterinary investigation.

9. *Provincial resources*—I now come to the fourth and most important class of receipts, namely our own resources. These consist of three items: firstly, our borrowings in the open market; secondly, our other capital receipts, which consist mainly of recoveries of loans made to agriculturists, local bodies, and others; and lastly, our revenue proper. It is usual at this point of this speech to give a retrospect of past years, but there is nothing new to be said on this subject. Honourable members will find a detailed retrospect in the historical memorandum appended to the budget. It will suffice if, instead of dealing with the figures of individual years, I deal with the period as a whole.

10. *Borrowings in open market*—I first take the loans which we have raised in the open market. In 1921 we raised the United Provinces Development Loan, which amounted in all to 420 lakhs. Of this we have spent 301½ lakhs and still *nominally* hold the balance. As old members of Council will know, there is much virtue (or, at all events, meaning) in the word “nominally.”

11. *Loan operations in the current year*—As honourable members are aware, the prospectus of the loan of 1921 gave Government a right to re-pay it in full in any year between 1931 and 1940. As the annual charges on it were heavy (they amounted in 1932-3 to nearly 48 lakhs), and as market conditions were favourable, it was decided in 1932 to exercise this right of re-payment, partly by floating a new loan of about 2½ crores, partly from the sale-proceeds of securities held in the sinking fund of the 1921 loan. The new loan carries interest at 5 per cent. and was issued at 97; gross subscriptions amounted to nearly 258 lakhs (face-value), or just over 250 lakhs after deduction of discount. The sale of our securities yielded nearly 175½ lakhs, so that the total sum available for re-payment came to over 425½ lakhs. Of this, however, only a sum of under 416½ lakhs was required, for the balance, a sum of 3½ lakhs, had already been re-paid from time to time in previous years. The net result was a sum of just over 9 lakhs to add to our capital receipts.

12. Up to the 6th of February, re-payments to the extent of 397½ lakhs had actually been made, and I take this opportunity of urging the

[The Hon'ble the Finance Member.]

remaining bondholders to cash their bonds, as far as possible, before the end of the current year. As a consequence of this operation the province has been saved a sum of 20 lakhs in debt charges in the year 1933-4, with 19 lakhs per annum thereafter, apart from the benefit of 9 lakhs already mentioned.

13. *Other capital receipts*—During the period since the commencement of the Reforms up to the end of 1933-4 our capital receipts have amounted to 1,130½ lakhs inclusive of the 9 lakhs which I have just mentioned, whilst the charges against these receipts have amounted to just over 1,124 lakhs. On the working of the whole period, therefore, we have secured under this head a balance of 6½ lakhs. I may here mention that one of the two debts which we took over with the Reforms, namely the old provincial loan account, has now been completely re-paid, with the instalment paid this year. A sum of 296½ lakhs has thus been wiped out of our debt account.

14. *Revenue proper*—During the same period, i.e. from 1921-1934, our total provincial revenue, inclusive of the opening balance in 1921-2, has amounted to 15,553 lakhs, whilst our expenditure has amounted to rather less than 15,846 lakhs, making a deficit of nearly 293 lakhs. To this, however, has been transferred the balance in the old development loan of 118½ lakhs, with the result that the deficit under this head now amounts to just under 174½ lakhs. The deficit on all provincial resources combined amounts to just over 167½ lakhs.

15. *Causes of the deficit*—The causes of this deficit were fully explained in my speech of last year, and I need not repeat them. Calamities such as the floods of 1924-5, unduly heavy expenditure in several years, unfortunate years such as 1928-9, and, finally, the fall in price levels, have all contributed to this result. The last of these causes still persists, and its effect is still fresh in our minds. Its importance becomes clear from the following fact. In 1931-2 and 1932-3 we have, on account of this fall, already remitted 226 lakhs of land revenue; and we are budgeting for another 113 lakhs of remission in the next year. And so, but for the fall in prices, we should at the end of 1933-4 be able to boast of a surplus of 172 lakhs instead of lamenting a deficit of 167½ lakhs.

16. *Revised 1931-2*—There are, however, certain signs of improvement. The deficit of 228 lakhs which we expected in 1931-2 has proved to be only 178½ lakhs. Of this decrease of 49½ lakhs, 30½ lakhs came from increased receipts and 19 lakhs from decreased expenditure. Passing on to 1932-3, we budgeted for a loss on the year's working of 59 lakhs, raising the total deficit to 287 lakhs. We now expect the loss on working to be only 10 lakhs, and the total deficit will only be 188½ lakhs. In other words, we expect our position at the end of 1932-3 to be better than originally anticipated by no less than 98½ lakhs.

17. I need only mention the more important variations that have produced this improvement. On the revenue side, Excise has given us an extra 18½ lakhs, Stamps an extra 7½ lakhs, Irrigation another 5 lakhs, and Administration of justice another 1½ lakhs; whilst the only

important decreases are one of $7\frac{1}{2}$ lakhs under Land revenue, the result of the remissions made necessary by the vagaries of the monsoon, and one of $1\frac{1}{4}$ lakhs under Interest.

18. On the expenditure side, there is a decrease of $15\frac{3}{4}$ lakhs under Charges against revenue. The main savings are under Irrigation and Land revenue, 1 lakh each; Forest, $1\frac{1}{4}$ lakhs; Irrigation interest, $1\frac{1}{2}$ lakhs; Debt services, 2 lakhs; General administration, 1 lakh; Police, 2 lakhs; Education, 4 lakhs, Medical, $1\frac{1}{2}$ lakhs and Agriculture, $1\frac{1}{4}$ lakhs. Of these savings, that under Irrigation interest is due to a fall in the rate: that under Debt services mainly to the reduction in the deficit of 1931-2 (on which we have to pay interest): whilst in all other cases it is due in general to the observance of strict economy in all departments, as well as to definite retrenchment.

19. There are only a few increases—under Stamps, the result of expanding revenue; under Jails and convict settlements ($1\frac{1}{2}$ lakhs), the result partly of an increase in population, partly of a rise in prices; and under Superannuation allowances and pensions ($1\frac{1}{4}$ lakhs) due to a reduction in the number of expected casualties.

It will, I think, be admitted that a deficit reduced by $98\frac{1}{2}$ lakhs may be taken as justifying a hope that a general recovery in the economic position has begun.

20. *Budget, 1933-4*—Coming now to the budget for 1933-4 I begin by mentioning a piece of good news which has only just reached us, and is consequently not allowed for in our estimates. We still owe to the Government of India, for the re-armament of our police, a sum of 2 lakhs. It was due for re-payment in the budget year, and the budget as printed allowed for it. The Government of India, however, have recently agreed to postpone half of this payment until 1934-5, with the result that the expenditure figures both under Police and in the total are too large by a lakh. The reduction will be made either by a Government motion for a cut, or by correction in the final edition. I mention the matter at once, because in all the figures which I shall now quote, I take account of this additional saving.

21. In the budget year we estimate for a revenue $1.150\frac{3}{4}$ lakhs and expenditure of $1,146\frac{3}{4}$ lakhs. The surplus is, therefore, 4 lakhs. Under Debt heads, so far as provincial resources are concerned, we estimate for receipts of $49\frac{1}{4}$ lakhs and charges of $31\frac{1}{4}$ lakhs, with a surplus of just under 18 lakhs. The total surplus on the year's working is, therefore, 22 lakhs.

I would remind the Council that in the past three years we have had deficits respectively of $87\frac{3}{4}$ lakhs, $73\frac{1}{2}$ lakhs and 10 lakhs. After a bad triennium, we have at last regained equilibrium with a little to spare. It is true that we have still a large deficit, but it is a legacy from the past, and we are now concerned with the present and the immediate future. As I have just explained in dealing with the revised, the present is better than we expected. The immediate future promises to be better still. And it is the working of these two years, 1932-3 and 1933-4, which really matters. If, in dealing with this

[The Hon'ble the Finance Member.]

budget speech, the Press is in search of a suitable headline, let me suggest "Equilibrium restored; slight balance on the year's working."

22. Nor let any man think that our forecast for 1933-4 is unduly optimistic. That is not Mr. Teyen's way. On the contrary he would be the first to admit that the actuals will probably improve on the forecast. The estimates are cautious to a degree.

23. *Revenue, 1933-4*—As compared with 1932-3, gross revenue (excluding irrigation working expenses) is $27\frac{3}{4}$ lakhs above the revised for the current year. The principal contributors are Land revenue, where there is an increase of $12\frac{3}{4}$ lakhs, as a result mainly of reduced provision for remissions due to crop failure, which were high in 1932-3; and Excise, where the increase is $11\frac{1}{2}$ lakhs, as the result of returning on the basis of actuals to a (low) normal figure. Other heads contribute between them an increase of $3\frac{1}{2}$ lakhs.

24. *Expenditure 1933-4*—The total increase in expenditure (again corrected to allow for Irrigation working expenses) is $5\frac{1}{2}$ lakhs above the revised. There are savings amounting to $30\frac{3}{4}$ lakhs under Debt charges, and minor savings under Stationery and Printing and Secretary of State's expenditure, which bring the total savings to 31 lakhs. All other heads however, exhibit an increase, of which the most important are $7\frac{1}{4}$ lakhs under Education, 4 lakhs under General administration, 3 lakhs under Irrigation working expenses, $2\frac{3}{4}$ lakhs each under Administration of justice and High Commissioner's expenditure, $2\frac{1}{2}$ lakhs under Superannuation allowances and pensions, and $2\frac{1}{2}$ lakhs under Miscellaneous charges. Of these the last is due to a special item for remissions of *tagavi*, whilst the last but one is based on actuals. In every other case, the principal cause is the reduction of the pay cut from 10 to 5 per cent. and the restriction of the latter to salaries of Rs.50 and over. The effect of this change is some 20 lakhs.

25. *Retrenchment*—Had the pay cut been retained at its original figure, expenditure instead of being $5\frac{1}{2}$ lakhs above, would have been $14\frac{1}{2}$ lakhs below, the revised. It is clear, therefore, that there has been further progress in retrenchment, of which I mention the principal instances:

(1) Three pairs of departments respectively, Excise and Registration, Industries and Co-operative Credit, and the Chief Inspectorates of Stamps and Offices have each been placed under a single officer.

(2) Economies have been effected in respect of the hill exodus to the extent of Rs.25,000.

(3) Proposals are being forwarded to higher authorities regarding the re-organization of the Public Works Department, with a total ultimate saving of possibly 8 lakhs. A part of this change is within the competence of the local Government and a lump deduction has accordingly been made under Public Works establishment of over $1\frac{1}{4}$ lakhs.

(4) A large saving is also expected as the result of recent changes in the travelling allowance rules.

(5) The reduction of scales of pay in all services will begin to bear fruit during the coming year.

In both these cases, however, it is not possible to give an estimate of the probable saving.

(6) A certain saving will be effected during the course of the year by the substitution of trained, but comparatively cheap, treasury officers for the present untrained and expensive deputy collectors. At the moment there are nine of these, but the number is likely to increase by five or six before March, 1934. It is hoped to complete this process in the course of the next five years; though as casualties are often more numerous than anticipated, progress with the scheme may be accelerated.

(7) There are also cases of minor economies or retrenchments in different departments, too numerous to mention, many of them carried out on the initiative of departmental heads. I have to thank them for their co-operation in a task, which is rarely congenial to departmental heads, namely, the reduction of expenditure.

26. I have now only to mention the large scheme of retrenchment in the General Administration Department to which I made reference last year. About July last we received the Government of India's reply to our original proposals, asking for detailed information on various points and also for the collection of certain opinions. It took time to get this material together, but we are now about to send a reply, which will re-state our views. Meantime, wherever action is within our own competence we are making a move, for instance in the case of Secretariat expenditure, and the change relating to treasury officers just mentioned. I am afraid that there will be some delay before final orders are passed, but I doubt if such delay will make any great difference to the results ultimately secured. Meantime, I said last year that the process of retrenchment was not going to stop. I think I have said enough to show that Government has been as good as my word.

27. *Remissions of rent and revenue.*—During the past two years we have been compelled, by stress of circumstances, notably the fall in the price level of agricultural produce, to remit by executive order considerable sums of rent and revenue. These remissions were based on the recommendations of committees specially appointed, who did their best with a particularly difficult inquiry. I fear, however, that the results were not universally acceptable. The remissions of rent were regarded by some as unduly liberal, the remissions of revenue were regarded by others as inadequate, whilst both were regarded by many as unequally distributed. It is not my desire to comment on, still less to revive, old controversies; but I wish to state what Government has done and is about to do in the matter.

28. We recognize that it is impossible to leave a matter so important as this to be decided, year after year, by executive orders. We recognize that there is something to be said for the views of those who criticized previous remissions, and that it is necessary to devise a formula or rather a set of formulae, which will work automatically,—firstly, a formula to correlate rents to prices, secondly, a formula to

[The Hon'ble the Finance Member]

correlate remissions of rent to fluctuations of prices, and thirdly, a formula to correlate remissions of revenue to such remissions of rent. We also recognize that these formulae once devised must become part of the law. The questions involved, as my honourable friends amongst landlords, at all events, will know, are both difficult and complex. For that reason we have placed an expert settlement officer on special duty to deal with them. I have already received from him preliminary proposals, and I hope, before the end of the session, to reach the stage of final proposals. I hope I shall not be pressed as regards dates and times and seasons, for honestly I am at present still unable to state them with anything approaching precision; for I have much on my hands, and I do not expect that the Council will, or can, materially reduce the work that I have to do. I hope that all those who are interested will be content with my assurance that everybody concerned, including myself, are doing their best to achieve a satisfactory and also a speedy solution of the problem. Meantime, though we hope that with rising prices remissions of rent on the same scale as last year will not be necessary, we have provided the same figure for remissions of revenue as was given in the two preceding years, namely 113 lakhs.

29. *Funding of the deficit*—I suggested in my speech last year that we might find it feasible to make proposals to the Government of India for funding our deficit;—that is to say, to turn the deficit into a definite loan re-payable in a comparatively long period carrying a relatively low rate of interest. It is my opinion that we shall be able to propose funding during the course of the coming year. We are not proposing to do it now, for the sufficient reason that the deficit to be funded would be that existing at the end of 1932--3, and that at present the amount of it is still uncertain. It would be, of course, unwise to fund on the basis of a mere estimate since we might be raising a loan either too large or too small to cover the deficit. I hope, however, that when the next budget session comes round, I shall be able to tell the House that the deficit has actually been funded.

30. *Change in budget*—I have already mentioned one change in the budget system which has the effect of reducing expenditure of one lakh. I have now to mention two other changes, which, though important in themselves, do not affect our total figures. Honourable members will find in Grant no. 6 that provision has been made for extending the hydro-electric system to Kasganj, and erecting a new pumping station on the Kali Nadi. Recently, however, I have been personally making an investigation into our supplies of electrical power, and I have come to the conclusion that expansion within the existing hydro-electric area is proceeding so rapidly that by 1934-5 we are likely—in fact I am prepared to say we are certain—to have more connexions than we can supply with power, and that our first duty is to increase the supply. In such circumstances it is impossible to accept any fresh commitments to supply power, such as the Kasganj-cum-Kali Nadi scheme, which lie outside the hydro-electric system. We shall require all the power that we possess, and a great deal more, for the system as it exists at present. It has, therefore, been decided to postpone this

scheme for a year, and instead to divert the money designed for it to the installing of one fresh turbine at Bahadurabad at a cost of about $\frac{2}{3}$ lakhs which will give us an extra 1,000 K. W. of power, and to keep the balance, a sum of Rs.30,000, in reserve to finance expansion, both rural and urban, should it exceed, as seems possible, our present anticipations. It may be necessary, later in the year, to add a second turbine, and it certainly will be necessary to do so in 1934-5, but we can await developments before committing ourselves. This change is merely one of objects of expenditure and does not affect the total figures.

The second change is connected with the former. We had provided in our Loans and advances grant a sum of Rs. 50,000 for Kasganj to enable them to finance their distributing system. That will no longer be necessary, and will accordingly be cut out either by a Government motion, or in the final edition of the budget. This change, however, has no effect on the total figures, because our borrowings from the Provincial loans fund will be reduced to the same extent.

51. *Staff.*—I have already referred to Mr. Teyen and his valuable services. I need here only add that he has handled this budget with all his accustomed skill and caution. My thanks are also due to Mr. Bajpai, the Deputy Secretary, for all the hard work which he has done during the year, and to the staff of the department for the care with which they have prepared this budget, and the work which they have put into it. My old friends in the Finance Department, as I know by experience, never let their officers down, and I offer them my sincere gratitude.

32. *Conclusion.*—In conclusion I have merely this to say. The tide of misfortune is, I hope, beginning to turn, and by the time that the new constitution comes into force, I sincerely hope it will have ebbed, and that the ship of State will once more be sailing on a sea of prosperity.

The Council was then adjourned at 4.5 p.m. till the 6th March, 1933.

APPENDIX A

(See page 306, supra)

Statement referred to in answer to starred Council question no. 1 for the 27th February, 1933, asked by
RAI SAHIB LALA ANAND SARUP

Name of municipality	Rates of charge per head on both incoming and outgoing passengers					Income			Remarks.
	I class passengers	II class passengers	Intermediate class passengers	III class passengers		1929-30	1930-1	1931-2	
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs.	Rs.	Rs.	
Allahabad ..	0 6 0	0 3 0	0 1 6	0 1 0		96,702	1,54,114	83,496	
Benares ..	0 6 0	0 3 0	0 1 6	0 1 0		98,426	1,15,194	80,192	
Mirzapur (Bindhachal) ..	0 6 0	0 3 0	0 1 6	0 1 0		..	..	3,673	(1) Levied from the 1st June, 1930. (2) Charged only on the occasion of <i>Debi-ka-mela</i> and the two <i>navratra</i> fairs.
Hardwar Union ..	0 12 0	0 6 0	0 3 0	0 2 0		1,05,311	96,275	75,070	These rates have been enforced from the 1st November, 1932.
Fyzabad (Ajodhya) ..	0 6 0	0 3 0	0 1 6	0 1 0		57,787	56,138	44,057	
Muttra and Brindaban ..	0 6 0	0 3 0	0 1 6	0 1 0		42,862	36,851	29,420	Proceeds are shared equally by both boards.

APPENDIX B

(See page 308, supra)

Statement referred to in the answer to starred Council question no. 14, asked by KHAN BAHADUR HAFIZ Hidayat Husain, for 27th February, 1933.

	Rs.
1. Total rental demand for 1339 Fasli	31,04,914
2. Total remission in rent for 1340 Fasli	5,83,144
3. Proportion of rent remitted to the tenants for 1340 Fasli	18.78 per cent.
4. Total revenue demand	14,37,000
5. Total remission in revenue for 1340 Fasli	4,02,000
6. Proportion of revenue remitted to the zemindars for 1340	28 per cent.

APPENDIX C

(See page 312, supra)

Statement referred to in the answer to starred question no. 38 for the Council meeting of 27th February, 1933, asked by KUNWAR GIRWAR SINGH.

One superintendent at Rs. 160 per mensem.

One assistant superintendent at Rs. 90 per mensem.

One fieldman at Rs. 40 per mensem.

One overseer at Rs. 90 per mensem.

One clerk at Rs. 45 per mensem.

APPENDIX D

(See page 321, supra)

List of members elected to serve on the Select Committee of the Bill to amend the United Provinces Municipalities Act II of 1916.

- (1) Mr. P. Mason,
- (2) Lala Shyam Lal,
- (3) Rai Bahadur Babu Vikramajit Singh,
- (4) Raja Sri Krishna Dutt Dube,
- (5) Mr. L. M. Medley,
- (6) Rai Bahadur Babu Jagad-va Roy,
- (7) Rai Bahadur Mr. P. C. Mogha,
- (8) Mr. Brijnandan Lal,
- (9) Rai Bahadur Babu Awadh Behari Lal,
- (10) Rai Bahadur Babu Kamta Prasad Kakkar.

APPENDIX F

(See page 322, supra)

List of members elected to serve on the Select Committee of the Bill to amend the Town Areas Act II of 1914.

- (1) Chaudhri Dhirya Singh,
- (2) Mr. P. Mason,
- (3) Rai Bahadur Lal Sheo Pratap Singh,
- (4) Pandit Joti Prasad Upadhyaya,
- (5) Khan Bahadur Sardar Muhammad Shakirdad Khan,
- (6) Rai Bahadur Mr. P. C. Mogha,
- (7) Kunwar Jagbhan Singh,
- (8) Khan Bahadur Maulvi Fasih-ud-din.
- (9) Pandit Shri Sadayatan Pande,
- (10) Captain Nawab Muhammad Jamshed Ali Khan.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH

Monday, the 6th March, 1933

THE Council met at Council House, Lucknow, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (89)

The Hon'ble Mr. E. A. H. Blunt. The Hon'ble Captain Nawab Sir Muhammad Ahmad Sa'id Khan. The Hon'ble Nawab Sir Muhammad Yusuf. The Hon'ble Mr. J. P. Srivastava. Mr. J. M. Clay. Mr. C. St. L. Teyen. Mr. P. Mason. Mr. P. M. Kharegat. Mr. H. A. Lane. Mr. J. R. W. Bennett. Col. H. R. Nutt. Mr. A. H. Mackensie. Rai Bahadur Pandit Suraj Din Bajpai. Rai Bahadur Babu Phul Chand Mogha. Khan Bahadur Saiyid Ain-ud-din. Mr. J. N. L. Sathe. Mr. S. S. L. Dar. Mr. Masud Ali Khan. Mr. S. T. Hollins. Saiyid Abdul Hasan. Mrs. Kailash Srivastava. Khan Bahadur Maulvi Fasih-ud-din. Mr. H. C. Desanges. Mr. E. Ahmad Shah. Rai Sahib Babu Rama Charana. Mr. Perma. Rai Bahadur Babu Awadh Bihari Lal. Chandhri Ram Dayal. Chandhri Jagarnath. Chandhri Baldeva. Rai Sahib Sahu Jwala Saran Kothiwala. Mr. Tappu Ram. Pandit Moti Lal Bhargava. Chandhri Ram Chandra. Chandhri Ghasita. Rai Bahadur Chandhri Raghuraj Singh. Chandhri Arjuna Singh. Kunwar Girwar Singh. Chandhri Dharya Singh. Rai Bahadur Babu Manmohan Sahai. Babu Ram Bahadur Saksena. Lala Shyam Lal. Babu Kamta Nath Saksena. Kunwar Jagbhan Singh. Thakur Keshava Chandra Singh. Mr. Brijnandan Lal.	Rao Narsingh Rao. Chandhri Ram Adhin. Mr. Bhondu Ram. Chandhri Bharos. Pandit Shri Sadayatan Pande. Rai Bahadur Babu Jagadeva Roy. Mr. Dahari. Rai Sahib Rajeshwari Prasad. Thakur Giriraj Singh. Pandit Prem Ballabh Belwal. Thakur Jang Bahadur Singh Bisht. Rai Bahadur Thakur Hanuman Singh. Rai Bahadur Lal Sheo Pratap Singh. Kunwar Diwakar Prakash Singh. Thakur Muneshwar Bakhsh Singh. Thakur Jaiendra Bahadur Singh. Rai Bahadur Kunwar Surendra Pratap Sahi. Mr. C. Y. Chintamani. Rai Rajeshwar Bali. Mr. Zahur Ahmad. Syed Ali Zaheer. Khan Bahadur Mr. Muhammad Abdul Bari. Syed Yusuf Ali. Khan Sahib Muhammad Maqsood Ali Khan. Shah Nazar Hussain. Captain Nawab Muhammad Jamshed Ali Khan. Nawabzada Muhammad Liaquat Ali Khan. Mr. Muhammad Rahmat Khan. Khan Bahadur Hafiz Hidayat Hussain. Khan Bahadur Maulvi Saiyid Habibullah. Khan Bahadur Hafiz Ghazanfarullah. Khan Bahadur Saiyid Jafer Hosain. Khan Sahib Muhammad Imtiaz Ahmad. Shaikh Muhammad Habibullah. Raja Saiyid Muhammad Mehdi. Mr. L. M. Medley. Rai Sahib Lala Anand Sarup. Chandhri Muhammad Ali. Thakur Rampal Singh. Rai Bahadur Kunwar Bisheshwar Dayal Seth. Raja Jagannath Bakhsh Singh. Rai Bahadur Babu Vikramajit Singh. Babu Gajadhar Prasad.
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QUESTIONS AND ANSWERS

Listed for Tuesday, the 28th February, 1933

STARRED QUESTIONS

NAZUL LANDS

*1. **Rai Sahib Lala Anand Sarup**: Has the *nazul* land in Lucknow been under the direct management of the Lucknow Improvement Trust since its creation?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava): The Trust was constituted in December 1919, and took over the management of the *nazul* with effect from the 1st April, 1920, for a period of 10 years. This period has since been extended for a further 10 years.

*2. **Rai Sahib Lala Anand Sarup**: Was it at any time in contemplation to place the *nazul* lands in Cawnpore and Allahabad under the control and management of the Improvement Trusts on their establishment in those towns, and was it so given to any of them on their establishment?

The Hon'ble the Minister for Education: A proposal was made that the management of the "special *nazul*" in Cawnpore should be handed over to the Improvement Trust or a recurring grant of Rs. 60,000 be made instead to the Trust. Neither alternative was, however, adopted and the *nazul* has continued to be managed by the Municipal Board. There was a similar proposal to place the *nazul* at Allahabad under the control of the Improvement Trust, but ultimately it was decided to make the Trust an annual grant of Rs. 30,000 instead.

*3. **Rai Sahib Lala Anand Sarup**: (1) Was the grant of Rs. 30,000 given to Allahabad Improvement Trust on the recommendation of the Fremantle Committee in lieu of handing over for management the *nazul* land in Allahabad to the Allahabad Improvement Trust?

(2) Has the Government withdrawn that grant to the Allahabad Improvement Trust?

(3) If so, does the Government contemplate the restoration of that grant to that Trust in the near future?

(4) What other grants has the Allahabad Improvement Trust received during the last five years?

The Hon'ble the Minister for Education: (1) Yes.

(2) Yes.

(3) No.

(4) None.

*4. **Rai Sahib Lala Anand Sarup**: Has the Allahabad Improvement Trust paid to the Government for the *nazul* land falling within the schemes of the Trust? If so, what is the total amount paid by the Trust to the Government?

The Hon'ble the Minister for Education: Yes, with the exception of about 231 square yards of land forming part of the area covered by the Harcourt Butler Market. The total amount so paid is Rs. 1,20,669.

*5. **Rai Sahib Lala Anand Sarup** : What amount has the Government paid up to this time to the Allahabad Improvement Trust in lieu of entrusting the management of the *nazul* land to that body ?

The Hon'ble the Minister for Education : Rupees 1,50,000.

*6. **Rai Sahib Lala Anand Sarup** : How much has the Lucknow Improvement Trust credited into the Government treasury up to this time for the *nazul* land in Lucknow within its schemes ?

The Hon'ble the Minister for Education : Rupees 1,23,180, but the Lucknow Nazul Fund is kept in the Imperial Bank and not in the Government treasury.

*7. **Rai Sahib Lala Anand Sarup** : Was any portion of the *nazul* land in Cawnpore included within the area of any of the Trust schemes of that place ? If so, what amount has been credited up to this time on that account by the Cawnpore Improvement Trust into the Government treasury ?

The Hon'ble the Minister for Education : An inquiry has been made and a reply will be given at a later date.

*8. **Rai Sahib Lala Anand Sarup** : Have any of the Improvement Trusts of Lucknow, Cawnpore, and Allahabad to pay for the Government land covered by parks, open spaces, public roads, lanes, and other amenities in their schemes ? If so, is the amount so paid to the Government taken into consideration when fixing or sanctioning the prices for building sites ?

The Hon'ble the Minister for Education : The reply to both parts of the question is in the affirmative.

CUTTING OF NOSE OF A POLITICAL PRISONER IN BAREILLY JAIL

*9. **Rai Sahib Sahu Jwala Saran Kothiwala** : (1) Will the Government be pleased to state as to how the nose of Jaimal Randhir, a political prisoner of about 18 years, was cut in the Bareilly Central Jail in February 1933 ?

(2) Who were the culprits and why was Jaimal Randhir confined in the habitual ward at the time of this occurrence ?

(3) What action have Government taken in the matter ?

The Hon'ble the Home Member (Captain Nawab Sir Muhammad Ahmad Sa'id Khan) : (1) It is alleged that this prisoner was assaulted by another prisoner and his nose cut with a piece of hoop iron.

(2) and (3) The incident is the subject of a magisterial inquiry and pending its result Government are unable to make any further statement about it. Jaimal Randhir has been classified as an habitual prisoner and was with other habitual prisoners at the time of the occurrence. Government are inquiring the reasons for his classification as an habitual prisoner.

INSPECTION NOTE ON MEERUT JAIL

*10. **Rai Bahadur Thakur Hanuman Singh** : Will the Government be pleased to lay on the table copies of the inspection notes of :

the Meerut District Jail during April 1932 to January 1933 by (1) the Visitors' Board and (2) any other M. L. C. ?

The Hon'ble the Home Member : The notes are somewhat lengthy and Government see no need to place copies on the table. The honourable member is, however, being supplied with typed copies.

(See Appendix A, page 419.)

ROAD DEVELOPMENT FUND

*11. **Mr. E. M. Souter** (*absent*): Will the Government be pleased to lay on the table a statement showing the position of the Road Development Fund account to date? In particular, give the following amounts:

- (a) Annual grant from Central Government year by year.
- (b) Expenditure year by year from our Development Fund.
- (c) Balance at present in hand?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf): A statement is laid on the table.

(See Appendix B, page 422.)

*12. **Mr. E. M. Souter** (*absent*): Will the Government be pleased to state whether any amounts have been paid out of the Development Fund on account of upkeep or repairs of roads? If so, what is the total amount so paid?

The Hon'ble the Minister for Local Self-Government : No; ordinarily this is not permissible, and was only allowed by the Government of India as a special case in October 1931 under conditions which were not acceptable to this Government.

*13. **Mr. E. M. Souter** (*absent*): Will the Government be pleased to state what are the rules governing the class of works which may be paid for out of the Development Fund?

The Hon'ble the Minister for Local Self-Government : Expenditure from the petrol fund is restricted to road development and to purchase of road grading machinery required for such schemes. Road development is generally road re-construction to bring the road up to modern standards and the classification is "Original Works."

*14. **Mr. E. M. Souter** (*absent*): Will the Government be pleased to state on what basis the Central Government pay the various provinces, including the United Provinces, their share of the Central Road Fund derived from the petrol excise duties?

The Hon'ble the Minister for Local Self-Government : The assignments to Provincial Governments are calculated on the ratio which the consumption of petrol in each province bears to the total consumption in India in each year after deducting 10 per cent. to form a Central reserve.

*15. **Rai Bahadur Thakur Hanuman Singh :** [*Postponed at the request of Government.*]

UNSTARRED QUESTIONS

ERECTION OF A NEW PAKKA GHAT AT BENARES

1. **Chaudhri Bharos :** Do Government intend to erect a pakka *ghat* and Victoria Bhawan at Harish Chandra *Ghat* similar to the *ghats* of other Rajas at Benares ?

Mr. P. Mason : No.

INQUIRY COMMITTEE REPORT OF THE BENARES MUNICIPAL BOARD.

2. **Chaudhri Jagarnath :** (a) Will the Government be pleased to state if they are now in a position to state the result of the inquiry into the affairs of the Benares Municipal Board conducted by a committee appointed by the Government in 1932 for the purpose ?

(b) What action, if any, the Government proposes to take in the matter ?

Mr. P. Mason : (a) The Board have been asked to show cause under section 30, United Provinces Municipalities Act, why they should not be superseded as recommended by the Inquiry Committee.

(b) This will depend on the Board's explanation which is awaited.

3. **Chaudhri Jagarnath :** Will the Government be pleased to state—

(a) if it is a fact that there was a case of embezzlement of Rs.388-11 in the department of the Health Officer of the Benares Municipality in 1930 ; and

(b) if it formed subject of inquiry held by the Inquiry Committee ;

(c) what action the Government has taken or is taking or proposes to take in the matter ?

Mr. P. Mason : (a) Yes.

(b) Yes.

(c) The matter is under consideration in connexion with the Inquiry Committee's report and a later embezzlement in the same office ; meanwhile the Medical Officer of Health has refunded the amount in question.

4. **Chaudhri Jagarnath :** Will the Government be pleased to state if it is a fact that there has been a second case of embezzlement in the same Health Officer's office and this case was in October 1932 under police investigation ? If so, what is the result of the police investigation and what action, if any, has been taken by the Board on the result of the investigation, and what action, if any, has the Government taken or is taking or proposes to take in the matter ?

Mr. P. Mason : Yes, as stated in the answer to part (c) of the honourable member's previous question. The case is under investigation but the result is not yet known, so that the rest of the present question does not arise.

PROVIDENT FUND OF MR. BANSI DHAR JAIN, LATE HEAD MASTER,
JAIN HIGH SCHOOL, BARAUT

5. **Rai Sahib Lala Anand Sarup:** (1) Will the Government be pleased to state when the provident fund of Mr. Bansi Dhar Jain, late Head Master, Jain High School, Baraut, will be paid to him?

(2) Is the letter of the Inspector, Meerut Division, no. 329, dated the 28th April, 1931, addressed to Mr. Jain the final word on the subject?

(3) What has been the fate of his representation of the 10th May, 1931, to which he had given subsequent reminders in August, September, and October 1931?

Mr. P. M. Kharegat: (1) Mr. Bansi Dhar Jain has been allowed his contribution to the provident fund.

(2) It conveys the decision of the department.

(3) Mr. Bansi Dhar Jain was informed that he was not entitled to get the contribution of the management or that of the Government.

COST OF PRODUCTION OF SUGAR CANE AND COTTON

6. **Rai Sahib Lala Anand Sarup:** (1) Will the Government be pleased to lay on the table a copy of the detailed scheme for investigating the cost of production for sugarcane and cotton financed by the Imperial Council of Agricultural Research and the Indian Central Cotton Committee with the co-operation of Government?

(2) Which districts have been selected in the Province for this investigation?

(3) What is the total cost of the scheme and how much has been contributed by the local Government?

(4) What staff will be employed for the said scheme and under whose charge will this investigation be carried out?

Mr. P. M. Kharegat: The detailed scheme is still under the consideration of the Imperial Council of Agricultural Research and hence no statement can be made about it at present.

FRUIT CULTIVATION

7. **Rai Sahib Lala Anand Sarup:** Has the attention of Government been drawn to a note on fruit cultivation in the United Provinces by Mr. Allan? If so, what action do they propose to take in connexion with the proposed formation of a provincial fruit-growers' association?

Mr. P. M. Kharegat: Yes. It is for fruit-growers to organize themselves into an effective association. Government can take no action at present.

8. **Rai Sahib Lala Anand Sarup:** What facilities do Government propose to give to the intending planters of fruit trees.

Mr. P. M. Kharegat: The facilities to be given by Government will depend on the requirements of the fruit-growing industry as brought to their notice by an association of fruit-growers (which it is intended to organize shortly) or otherwise.

9. **Rai Sahib Lala Anand Sarup** : Will the Government be pleased to state the places where adequate training in fruit culture and fruit preservation is given in this Province or for the people of this Province ?

Mr. P. M. Kharegat : No regular classes are held, but practical training in horticulture is given at the Government Botanical Gardens, Saharanpur, and the Horticultural Gardens, Lucknow, whenever required by persons interested.

LISTED FOR THURSDAY, THE 2ND MARCH, 1933

STARRED QUESTIONS

*1 and 2. **Thakur Balwant Singh Gahlot** : [*Postponed at the request of Government.*]

*3 and 4. **Thakur Rampal Singh** : [*Postponed at the request of Government.*]

LICENCE FOR AIR PISTOLS.

*5. **Thakur Rampal Singh** : (a) Will the Government be pleased to state whether a licence is considered necessary even for the possession of an air pistol in these Provinces ?

(b) If the reply to the above is in the affirmative, will the Government please state since when such an order has been passed ? Was that order published in the *United Provinces Gazette* and were the local dealers in arms and ammunition informed of it ?

(c) Is it a fact that air pistols can be secured from arms dealers without licence even nowadays ?

*5. **The Hon'ble the Home Member** : (a) Yes.

(b) The 10th December, 1931. The order was published in the *United Provinces Gazette*, dated the 12th December, 1931, and District Magistrates were directed to give wide publicity to it.

(c) Government are not aware of this fact.

LISTED FOR MONDAY, THE 6TH MARCH, 1933

STARRED QUESTIONS

*1. **Chaudhri Dharya Singh** : [*Postponed at the request of Government.*]

STONE MAHALS

*2. **Pandit Shri Sadayatan Pande** : In how many districts of these Provinces are stone mahals established and what is the annual income and expenditure of each stone mahal in individual districts ?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt) : The only stone mahal in the Province is in Mirzapur. During the financial year 1931-32 income of this mahal was Rs.85.3 thousand and expenditure Rs.50.5 thousand.

*3 and 4. **Rai Sahib Rajeshwari Prasad** : [*Postponed at the request of Government.*]

CANE-CRUSHING PLANT AT BHITAUTLI

5. **Rai Sahib Rajeshwari Prasad**: Will the Government please give the following information about the cane-crushing plant erected at Bhitautli under the Ghughli Sugarcane Union of the Gorakhpur District Co-operative Bank :

- (a) The cost at which the plant was erected.
- (b) The cost of running it last year and this year.
- (c) The loss or gain from it last year and this year.
- (d) The amount spent in travelling and other allowances over its supervision last year and this year.

The Hon'ble the Minister for Local Self-Government : (a) Rs.10,502.

(b) (i) Rs.620.

(ii) The figures for this year will not be available till June.

(c) (i) Rs.1,002 loss.

(ii) The figures are not yet known.

(d) Rs.67.

* 6. **Rai Sahib Rajeshwari Prasad** : [*Postponed at the request of the honourable member.*]

CO-OPERATIVE BANK, GORAKHPUR

* 7. **Rai Sahib Rajeshwari Prasad** : (1) Is it a fact that the group secretaries of Bhatahat Circle under the Gorakhpur Co-operative Bank have been removed ? If so, when ?

(2) Is it a fact that certain other persons designated as members or local secretaries were appointed to do the work of the dismissed group secretaries ?

(3) What used to be the total expenditure on the pay of the group secretaries annually ?

(4) What is the amount spent on allowances of those who have replaced the group secretaries this year and last year ?

The Hon'ble the Minister for Local Self-Government : (1) Yes, in 1931-2.

(2) Yes.

(3) and (4) The information is being collected.

AGE-LIMIT FOR HONORARY MAGISTRATES

* 8. **Syed Yusuf Ali** : Has the Government arrived at any specific decision as to the age-limit that might be fixed for the continuance of honorary powers on honorary and special magistrates ? If not, has the Government any intention to fix the age-limit for the purpose, beyond which such powers should not be continued in future ? If not, why ?

The Hon'ble the Home Member : The honourable member is referred to the answer given to starred question No. 11(a) of the 25th March, 1931.

* 9. **Syed Yusuf Ali** : [*Postponed at the request of Government.*]

TALUQDARI CASES IN THE OUDH CHIEF COURT

* 10. **Munshi Gajadhar Prasad** : Will the Government be pleased to state how many of the cases decided in the exercise of its original jurisdiction by the Chief Court at Lucknow since its establishment related to the taluqdari estates and how many of them were non-taluqdari cases and what was the percentage of the two?

The Hon'ble the Home Member : Since its establishment, the Chief Court has decided on the original side, 46 regular suits, in addition to 54 divorce suits, Twenty-nine testamentary suits, 25 commercial suits and one succession certificate case. Of the 46 regular suits, 42 were taluqdari suits and 4 non-taluqdari suits. The percentage of taluqdari to non-taluqdari suits is 91·3 to 8·7.

* 11. **Munshi Gajadhar Prasad** : (a) Will the Government be pleased to state the maximum period of time taken by the Chief Court at Lucknow since its establishment over the decision of a taluqdari case in the exercise of its original jurisdiction, counting from the date of the institution till the decision of the suit?

(b) What was the minimum period taken over the decision of a contested suit by the Chief Court?

The Hon'ble the Home Member : (a) No. Seven hundred and eighty-one days.

(b) Thirty-eight days in the case of a taluqdari suit. Eight days in a divorce suit.

SECRETARIAT BUILDINGS AT ALLAHABAD

* 12. **Munshi Gajadhar Prasad** : What does the Government propose to do with the Secretariat buildings at Allahabad after the complete removal of the same to Lucknow?

The Hon'ble the Finance Member : This question will not arise unless and until a decision is made finally to remove the Secretariat offices to Lucknow.

Munshi Gajadhar Prasad : May I know by what time is the final decision likely to be reached?

The Hon'ble the Finance Member : I cannot say.

Munshi Gajadhar Prasad : Is it a fact that some portions of the Secretariat have already been removed to Lucknow and, if so, which portions?

The Hon'ble the Finance Member : The Police Department has been here for many years. So far nothing else has been removed to Lucknow.

RECOMMENDATIONS OF THE INQUIRY COMMITTEE ON THE BENARES MUNICIPAL BOARD

* 13. **Munshi Gajadhar Prasad** : (a) Will the Government be pleased to state the findings and recommendations of the Inquiry Committee constituted in pursuance of a resolution passed by this Council to inquire into the conditions of the Municipal Board of Benares?

(b) What action has the Government taken or propose to take the recommendations of the Inquiry Committee?

The Hon'ble the Minister for Local Self-Government: (a) The committee has recommended the supersession of the Board on a ground of maladministration.

(b) The honourable member is referred to the reply given unstarred question No. 2 on 28th February, 1933.

Munshi Gajadhar Prasad: Is the Hon'ble the Minister in a position to state some of the findings, apart from the question of recommendations?

The Hon'ble the Minister for Local Self-Government: The reply is, I think, now out. If the honourable member will take the trouble of going through the report, he will get the information he wants.

Munshi Gajadhar Prasad: Will the Hon'ble the Minister be pleased to supply a copy of the report?

The Hon'ble the Minister for Local Self-Government: I am afraid there are not many copies available, otherwise I would have been glad to supply copies.

Munshi Gajadhar Prasad: I want only one copy.

The Hon'ble the Minister for Local Self-Government: At present there are two copies, one in the possession of the Board and one that of the Government.

Pandit Shri Sadayatan Pande: May I know if the Government has any intention to get it published?

The Hon'ble the Minister for Local Self-Government: It will be an unnecessary expenditure. If the honourable member wants to gather any information he can do so by privately coming to us.

Pandit Shri Sadayatan Pande: Is the Hon'ble the Minister aware that there is a very large number of people who are interested in the case of the Municipal Board of Benares and would naturally like to go through the Inquiry Report?

The Hon'ble the Minister for Local Self-Government: If they pay for the report being printed, we shall be too glad to do so. I am aware that the public is very much interested in the report, but I am also aware that the public is very anxious that some immediate steps be taken in the matter.

Rai Bahadur Babu Vikramajit Singh: Has the Government any objection to publish it in the Gazette?

The Hon'ble the Minister for Local Self-Government: It is a very voluminous thing running into 400 pages, and its publication would mean a tremendous expenditure.

Rai Bahadur Babu Vikramajit Singh: A summary of recommendations, I believe, will not be such a large document. Is it a fact?

The Hon'ble the Minister for Local Self-Government: Probably a summary could be managed.

Rai Bahadur Babu Vikramajit Singh : Is the Government taking any action on the recommendations of the Inquiry Committee?

The Hon'ble the Minister for Local Self-Government : The Municipal Board's explanation has been called for.

* 14 to 17. **Thakur Balwant Singh Gahlot :** [*Postponed at the request of Government.*]

RESTORATION OF 5 PER CENT. CUT IN FOREIGN SCHOLARSHIPS

* 18. **Rai Bahadur Babu Vikramajit Singh :** Will the Government be pleased to state whether the 10 per cent. cut made in foreign scholarships last year is to be restored or reduced to 5 per cent.?

The Hon'ble the Minister for Education : There is no intention to increase the value of scholarships; the reduction was made on account of the fall in the cost of living in England.

Rai Bahadur Babu Vikramajit Singh : In what way the cost of living in England was found to have been reduced?

The Hon'ble the Minister for Education : In every way.

Rai Bahadur Babu Vikramajit Singh : What is the source of the information?

The Hon'ble the Minister for Education : The High Commissioner in London.

* 19 and 20. **Rai Bahadur Babu Vikramajit Singh :** [*Postponed at the request of Government.*]

LOANS FOR INDUSTRIAL PURPOSES

* 21. **Rai Bahadur Babu Vikramajit Singh :** (1) Will the Government be pleased to state the loans which were advanced for industrial purposes during the last 10 years by Government?

(2) What loans were realized and what loans have been lost and what loans are still to be realized?

(3) Will the Government be pleased to put up a complete statement of the loans?

The Hon'ble the Minister for Education : A statement is placed on the honourable member's table.

(*See Appendix C, page 423.*)

Rai Bahadur Babu Vikramajit Singh : Will the Hon'ble the Minister be pleased to state with regard to the loan which was advanced to the Karaundia Industrial Development Company, whether any investigation has been made as to the cause which led to a loss of Rs.4,00,000 in that loan?

The Hon'ble the Minister for Education : We did a lot of investigation, but this was before my time and I could not speak with personal knowledge.

Rai Bahadur Babu Vikramajit Singh : Will the Hon'ble the Minister be pleased to state if sufficient security was taken from the Karaundia Industrial Development Company when the loan was advanced?

The Hon'ble the Minister for Education : I would like to have notice; I have not gone into the question of security.

**COMMERCIALIZATION OF THE ACCOUNTS OF THE HYDRO-
ELECTRIC DEPARTMENT**

***22. Mr. E. M. Souter** (*absent*): (1) Will Government be pleased to state whether they have accepted the recommendation of the Public Accounts Committee in its seventeenth report about commercializing the accounts of the Hydro-electric Department?

(2) If the answer is in the affirmative, will Government be pleased to state whether the accounts to be maintained will be in the same form for industrial concerns, that is, balance sheets, profit and loss accounts, and revenue or trading accounts?

(3) Will Government be further pleased to state when the new system of accounts will be started?

The Hon'ble the Finance Member: (1) Yes.

(2) The accounts will not be maintained in the precise form as for industrial concerns as the system of Public Works Department finances is different from that adopted by commercial firms. The Accountant General has, however, prepared forms of a *quasi-commercial* nature, suitable for the purpose, which will show the financial gain or loss for the scheme in any year. Samples of the forms are laid on the honourable member's table.

(See Appendix D, page 425)

(3) The new system of accounts has actually been introduced in the half year April—September, 1932, and will be published for the full year in due course.

POLITICAL PRISONERS IN FYZABAD JAIL

O. no. Date.
*30 16-2-33

***23. Mr. C. Y. Chintamani** (*absent*): (a) Is it a fact that in the search of "B" Class barracks of Fyzabad Jail conducted on the Diamond day, even books and toilet articles allowed by the rules were removed?

(b) Was any list of the articles removed made in the presence of the prisoners?

(c) Did one of the prisoners, Mr. Brahma Prakash, represent to the Superintendent and the Magistrates present that a list of articles removed should be made?

(d) Did the superintendent give him cross-bar fetters for ten days as a punishment at that time?

(e) Have the articles removed in that search, been returned to the prisoners?

(f) Have the authorities refused to entertain complaints from them in cases where the articles returned were short of the total seized?

The Hon'ble the Home Member: (a) Yes, temporarily.

(b) No.

(c) Yes.

(d) Yes, for impertinence. We are making further inquiries.

(e) Articles permissible have been returned.

(f) No.

*24. **Mr. C. Y. Chintamani** (*absent*): Is it a fact that out of the shoes and slippers confiscated during the above search most were given to jamadars and other jail servants? Did one Mr. Rustomji prove this to the Superintendent in at least three or four cases? Was any action taken in those cases? Q. no. Date
*21 16-2-38

The Hon'ble the Home Member: Government have not been able to discover any foundation for these suggestions. They are, however, making further inquiries.

*25. **Mr. C. Y. Chintamani** (*absent*): (a) Is it a fact that as many as 2,400 jail punishments were given to "B" Class prisoners at Fyzabad between 11th October and 10th November, 1932? *22 16-2-33

(b) Is it a fact that in the case of most of the punishments the prisoners concerned were neither informed of their offence nor given an opportunity of offering an explanation?

* The Hon'ble the Home Member: (a) Yes. Most of them were subsequently cancelled.

(b) Yes.

*26. **Mr. C. Y. Chintamani** (*absent*): (a) Is it a fact that until about 21st October, 1932, the Superintendent of the Fyzabad Jail was carrying on talks with Mr. Sokhta—the representative of "B" Class prisoners—for the restoration of jail discipline and promised not to take any individual or collective action before the 26th? *23 16-2-33

(b) Was the prosecution under section 52, Prisons Act, launched against Mr. Har Govind Singh on 24th October, 1932?

The Hon'ble the Home Member: (a) There is no record of this, but Government are making further inquiries.

(b) Yes.

*27. **Mr. C. Y. Chintamani** (*absent*): Did the Superintendent of Fyzabad Jail stop all extra diet on medical grounds about the end of the October last? Did he examine each case on its merits before taking that step? *24 16-2-33

* The Hon'ble the Home Member: Yes. Further inquiries are being made.

EUROPEAN PRISONERS IN NAINI JAIL

*28. **Mr. C. Y. Chintamani** (*absent*): What is the percentage of European "B" Class prisoners at Naini who were allowed a *pankha* and a *pankha* coolie in the hot weather in 1932? What is the corresponding percentage for the "B" Class political prisoners at Fyzabad? *25 16-2-33

The Hon'ble the Home Member: All European "B" Class prisoners in the Naini Jail were allowed a *pankha*. Altogether six coolies were engaged for this purpose. No "B" Class prisoners at Fyzabad were given a *pankha* or *pinkha* coolies. However I may add that in some other jails some "B" Class Indian prisoners were given a *pankha* on medical grounds, and altogether it is reported that 706 Indian prisoners were allowed a *pankha* last hot weather.

O. No. Date.
*26 16-2-33

*29. **Mr. C. Y. Chintamani** (*absent*): Are knives and forks supplied to "B" Class prisoners at Naini? Are they also supplied at Fyzabad?

* **The Hon'ble the Home Member**: They are supplied to "B" Class prisoners at both these jails.

*27 16-2-33

*30. **Mr. C. Y. Chintamani** (*absent*): What is the number of "C" Class European prisoners at Naini? How many "C" Class prisoners are engaged for them for menial service? What are the corresponding figures for "B" Class prisoners at Fyzabad? Food served to "B" Class European prisoners at Naini fresh and on tables? Are similar facilities provided at Fyzabad?

* **The Hon'ble the Home Member**: (a) Thirteen on the 21st January, 1933.

(b) Five.

(c) There were 83 "B" Class prisoners at Fyzabad on the 21st January, 1933. One "C" class prisoner is allotted for menial service to 15 "B" Class prisoners there, exclusive of cooks.

(d) Food is served fresh and hot on tables to European prisoners at Naini. At Fyzabad tables are supplied and there are four angels to 30 prisoners.

OPENING OF BARRACKS ON THE *Diwali* DAY IN THE FYZABAD JAIL

*28 16-2-33

*31. **Mr. C. Y. Chintamani** (*absent*): Is it a fact that the jail at Fyzabad Jail admitted, while in the witness-box in a certain case, that he used to get the "B" Class barracks unlocked much later than the usual morning hour in October last, that that was illegal and that he did it on his own responsibility? Is it a fact that "B" Class barracks were opened on the *Diwali* day as late as 2 p.m. and that the prisoners went without bath or food up to that time.

The Hon'ble the Home Member: It is reported that he admitted that this happened on one occasion. Government have not been able to verify the statement about the *Diwali* day but are making further inquiries.

B. ISHWAR DAYAL, MUNSARIM, DISTRICT JUDGE'S COURT, ALIGARH

*33 16-2-33

*32. **Khan Bahadur Muhammad Hadiyar Khan**: (1) Is it a fact that the medical certificate referred to by the Government in their reply to unstarred question no. 1, dated the 7th November, 1932, was only a certificate about the general health of Babu Ishwar Dayal as it was filed by every entrant to Government service?

(2) Will the Government be pleased to lay a copy of the medical certificate referred to above on the table?

* **The Hon'ble the Home Member**: (1) It was a certificate both of general health and of age.

(2) A copy is laid on the table.

(See Appendix B, page 429)

*34 16-2-33

*33. **Khan Bahadur Muhammad Hadiyar Khan**: In continuation of my unstarred questions nos. 1 to 5, dated the 7th November, 1932, will the Government please state if they are prepared to retire Babu Ishwar Dayal from service?

*34. Has the Government referred the case regarding the age of Babu Ishwar Dayal to the Hon'ble High Court? If so, what action has the Hon'ble High Court taken in the matter. *35 16-2-33

The Hon'ble the Home Member: An inquiry into the Munsarim's age was made by the District Judge under the orders of Government. The District Judge took evidence and has submitted a report in which he expresses the opinion that the age recorded when the Munsarim entered Government service is approximately correct and should not be questioned now. The High Court have recommended that this finding should be accepted and Government have decided to take no further action in the matter.

CASES IN THE COURT OF SUB-DIVISIONAL
MAGISTRATE, KASHIPUR

*35. Babu Ram Bahadur Saksena: (a) What was the number of complaints filed in the Court of the Sub-Divisional Magistrate, Kashipur, in 1930, 1931 and 1932? *37 16-2-33

(b) How many of these complaint cases have been dismissed under section 203 of the Civil Procedure Code?

(c) What is the number of complaint cases decided finally and on merits by the Sub-Divisional Magistrate during these three years?

*36. With reference to my starred question no. 39 for 16th February, 1933, will the Government be pleased to state on what grounds were the criminal cases postponed by the Sub-Divisional Magistrate, Kashipur, on the dates as stated in part (c) of the said question? *39(a) 16-2-33

*The Hon'ble the Home Member: The report of the District Magistrate is still awaited. He has been reminded.

POSTING OF POLICE OFFICERS FOR MORE THAN 15 YEARS

*37. Babu Ram Bahadur Saksena: (a) Will the Government be pleased to lay on the table a statement showing the police stations, where a Muslim officer in charge has continuously been posted for the last 15 years or more, and also those where a Hindu officer in charge has been so posted? *43 16-2-33

(b) Is it a fact that in such cases a senior Hindu police officer is posted to a less important police station only because the more important police station has been held by a Muslim officer in charge for a number of years, and *vice versa*?

The Hon'ble the Home Member: (a) A statement is laid on the table.

(b) No.

(See Appendix F, page 429)

PERMISSION TO CERTAIN PERSONS TO PRACTISE IN THE CRIMINAL COURTS
OF MUSAFIRKHANA AND AMETHI

*38. Khan Bahadur Maulvi Syed Habibullah: (1) Is it a fact that the Deputy Commissioner of Sultanpur has allowed (1) Raj Bahadur, clerk of a vakil, (2) Maha Narain, and (3) Abdus Shakoor, *49 16-2-33

a dismissed peon, to practise in criminal courts of Musafirhara and Amethi? If the answer is in the affirmative, why and under what rules?

(2) Does Government propose to take any action in the matter and, if so, what?

The Hon'ble the Home Member : (1) Permission to practise was given by the Deputy Commissioner to Raj Bahadur and Maha Narayan subject to the provision contained in section 4(1) (r) of the Code of Criminal Procedure that the courts concerned permitted it. No permission was given by the Deputy Commissioner to Abdus Shakoor.

(2) The attention of the Deputy Commissioner has been drawn to the fact that the section does not seem to cover action as taken by him.

SETTLEMENT OF CERTAIN VILLAGES IN TAHSIL KARCHHANA, DISTRICT ALLAHABAD

Q. no. Date
*52 16-2-33

*39. **Rai Bahadur Babu Jagadeva Roy :** (1) Are Government aware that there are a few villages, namely Jagdishpur, Chhina, Gauhamis, Asharwai, Bara, etc. in Tahsil Karchhana, District Allahabad, which are settled every fifth year?

(2) Are Government aware that there will be in the next year the sixth term of such settlement of those villages?

(3) Are Government aware that the proprietors of those villages were given to understand that the settlement of the sixth time will be of 30 years' duration?

The Hon'ble the Finance Member : (1) The villages mentioned are in pargana Bara of tahsil Karchhana. This pargana is a hilly tract in which cultivation is precarious. It was therefore settled under the Bundelkhand rules and the entire pargana is under the fluctuating system of assessment, whereby a settlement is made every fifth year. In such areas the Settlement Officer may, at his discretion, give the proprietor the option of a settlement under the ordinary rules or a settlement under the special Bundelkhand rules. From the fact that the Settlement Officer did not give a full term settlement in this area, it may be presumed that he did not consider a settlement for a longer period than five years suitable.

(2) Yes.

(3) Government are not aware of any such understanding.

*53 16-2-33 *40. **Rai Bahadur Babu Jagadeva Roy :** Are Government prepared to make the next settlement for a period of 30 years?

The Hon'ble the Finance Member : Government have no ground for thinking that the persons affected would benefit from a full term settlement in a tract of this kind.

Rai Bahadur Babu Jagadeva Roy : As regards No. 40, will the Government be pleased to make a settlement for 30 years if so desired by the persons concerned?

The Hon'ble the President : I am afraid it is a hypothetical question.

Rai Bahadur Babu Jagadeva Roy : This is in connexion with question No. 40.

The Hon'ble the President : Will the honourable member frame it in a different way ?

Rai Bahadur Babu Jagadeva Roy : If the person desires to have a settlement for the full term, will there be any objection on the part of the Government ?

The Hon'ble the President : It is still hypothetical. The honourable member had better consider the matter and table another question later.

PERMANENTLY-SETTLED DISTRICTS IN BENARES DIVISION

***41. Rai Bahadur Babu Jagadeva Roy :** Do Government intend to have an experiment, in one of the permanently-settled districts of the Benares Division, of the system prevalent in the Province of Bihar for maintaining land records for landlords and tenants and realization of Government revenue ? O. no. Date
*55 16-2-33

The Hon'ble the Finance Member : Government believe that the system prevalent in the Province of Bihar for maintaining maps is based on the recovery of three-quarters of the cost from the landlords, and that for realization of the revenue the sun-set law is in force in Bihar, whereby landed property becomes liable to sale if arrears of revenue are not paid at once without first adopting any of the methods specified in section 146 of the United Provinces Land Revenue Act before the last two methods in the list in that section are adopted. Before these methods could be employed in the United Provinces, legislation would be necessary of a kind which Government would be as loath to introduce as Council would be to pass.

SOCIAL CONDITIONS IN BUNDELKHAND

***42. Babu Kamta Nath Saksena :** Are Government aware that social conditions of Bundelkhand have undergone a great change after 1903 both among Hindus and Muhammadans and membership of particular caste or community is no standard now of judging the occupation followed by the different individuals ? *4 17-2-33

The Hon'ble the Finance Member : Government have no evidence that there have been any substantial changes in this respect since 1903.

BUNDELKHAND LAND ALIENATION ACT

***43. Babu Kamta Nath Saksena :** (a) Are Government aware that a fairly large number of persons of non-agricultural classes in Bundelkhand depend solely on agricultural or zamindari as their occupation ? *5 17-2-33

(b) If the answer is in the affirmative, what relief do Government propose to give to such class of persons so far as alienations of their lands are concerned ?

***44. (a)** Are Government aware that a fairly large number of persons who are classed as members of agricultural tribe under the Bundelkhand Alienation of Land Act follow professions other than agriculture or zamindari ? *6 17-2-33

(b) Do Government propose to take any steps to exclude some persons from classification as members of agricultural tribes? If so, what are those measures?

The Hon'ble the Finance Member : Government are aware that any division based on classification according to the castes is bound to include among agriculturists a fairly large number of persons who do not depend solely on agriculture for their living and to exclude some who are not classed among the agricultural castes and yet depend mainly on agriculture. Government have tried to find a more satisfactory division than is given by castes, and the question has been raised more than once in the Council in the form of resolutions. But no one has been able to suggest a more satisfactory basis for division and in view of the practical difficulties Government have been compelled to retain the division according to castes in the peculiar circumstances of Bundelkhand. The law allows Government by notification to exclude from among agriculturists individuals of the castes declared to be agricultural, and they have used this power in all the important cases in which it has been shown that a member of a caste classed as agricultural is by profession a money-lender. They do not think that unless the whole structure of the Act is changed, any satisfactory solution of the difficulty stated by the honourable member can be found. No one has yet been able to suggest any line on which an amendment of the Act would result in improvement.

O. no. Date
*7 17-2-33

*45. **Babu Kamta Nath Saksena :** (a) Are Government aware that civil courts cannot order even temporary alienations of land in execution of simple money decrees against members of agricultural tribes in the territories where the Bundelkhand Alienation of Land Act applies?

(b) Are Government aware that a large number of such decrees remain unsatisfied, even though the judgment-debtors may be possessed of considerable landed property?

(c) Do Government propose to give some relief to decree-holders in such cases? If so, in what form?

The Hon'ble the Finance Member : Government are advised that the High Court took a contrary view to that expressed by the honourable member in the case referred to in A. L. J. R. 1932; page 562, *Musammatt Majhli Dulaiya versus Munna Lal*.

*8 17-2-33

*46. **Babu Kamta Nath Saksena :** (a) Is Government aware that lands belonging to debtors of agricultural tribes in Bundelkhand do not vest in the receiver in insolvency proceedings and that the insolvency courts cannot even temporarily alienate such lands even though such debtors be possessed of considerable landed property?

(b) Is it a fact that in view of the above restrictions on alienations of land, there is a great rush of landholder-debtors to the insolvency courts and such restrictions are proving very unfair to the creditors in the insolvency courts?

(c) Are Government considering any measures to solve these difficulties of the creditors in insolvency courts in the territories where the Bundelkhand Alienation of Land Act applies? If so, what are those measures?

33-2-31

The Hon'ble the Finance Member : (a) This is correct. Under section 16 of the Bundelkhand Land Alienation Act read with section 28(v) of the Provincial Insolvency Act such land does not vest in the receiver in insolvency proceedings.

(b) This is scarcely a fact. The figures for insolvency petitions in the Jhansi Judgeship are as follows :—

1929	...	...	...	379
1930	...	...	...	477
1931	...	...	...	463
1932	...	...	...	494

Up to the 25th November, 1930, the number of insolvency petitions filed was 349. Up to the corresponding date in 1931 it was 418. The increase is probably due to economic causes.

(c) No measures are at present proposed.

***47. Babu Kamta Nath Saksena :** (a) Is it a fact that restrictions have been imposed under the Bundelkhand Alienation of Land Act on non-residents of the district or territories where the said Act applies, regarding alienations of lands in their favour ?

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*9

(b) Does Government know that the term "resident" has nowhere been defined in the Bundelkhand Alienation of Land Act ?

(c) Will the Government be pleased to state what are the requisite qualifications for a person to be considered a resident of the district or territory where the said Act applies ?

The Hon'ble the Finance Member : (a) Yes.

(b) Yes.

(c) No qualifications are prescribed, but it is generally considered that a person resides where he has his main permanent occupation.

Rai Bahadur Babu Vikramajit Singh : With regard to No. 47, is the Government aware that there is a lot of litigation with regard to the meaning of the term "resident" and oral evidence is led on that point. Will the Government consider the desirability of defining it by legislation ?

The Hon'ble the Finance Member : The term "resident" is fairly clear, but if anything is done to show that there is a lot of litigation on the question, I will do what I can in the matter.

MONOPOLY OF PLYING BUSES ON THE KACHCHA ROAD BETWEEN ROORKEE AND HARDWAR

***48. Rai Sahib Lala Anand Sarup :** (1) Is it a fact that the monopoly of plying buses on the *kachcha* road from Roorkee to Hardwar and *vice versa* is given to one Amba Prasad who does not ply his own buses but charges Rs. 7 per bus per trip from the owners of buses whether they are of Saharanpur District or from other districts like Muzaffarnagar, Meerut or Bijnor ?

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(2) Why is such a monopoly given to one person ?

(3) Why is he allowed to charge Rs. 7 for every bus per trip when the road is a public road ?

(4) What amount is charged from him either by the district board or by the Government?

(5) Does Government know that the income of Amba Prasad from this road alone is about Rs. 1,000 per month?

The Hon'ble the Minister for Local Self-Government: (1) Amba Prasad has a monopoly for plying buses on the Roorkee-Hardwar Road, on which he plies two of his own buses. He supplements the service by arrangement with other bus owners on terms fixed by mutual agreement.

(2) To provide the public with a regular bus service and to improve the road, which the monopolist has undertaken to maintain.

(3) He is allowed the monopoly and whatever he may receive by private arrangement with other bus owners in return for his undertaking to maintain the road.

(4) The district board gain from him the cost of the road's upkeep.

(5) No.

CLASSIFICATION OF MRS. SHASTRI OF MEERUT

O. no. Dals
*5 25-2-33

*49. **Rai Bahadur Thakur Hanuman Singh:** In what class is Parmeshwari Devi (Mrs. Shastri) convicted at Meerut on 26th January 1933, been placed? Is Government aware that she has a child about 1½ years old with her and is in a delicate state of health?

The Hon'ble the Home Member: Musammat Parmeshwari Devi was convicted on the 23rd. February. Government have not yet received recommendations for the classification but it is reported that she has been receiving treatment as a superior class prisoner. She has a young child with her. She is reported to be in a good state of health.

Rai Bahadur Thakur Hanuman Singh: Is the Government prepared to release for some time at least Parmeshwari Devi on account of the delicacy of her health?

The Hon'ble the Home Member: It is a very indefinite question. We have released many prisoners on account of bad health and if anything happens to her health, we will consider the matter. At present she is not in a bad condition.

Rai Bahadur Thakur Hanuman Singh: Does the Government think that she will be taken care in the jail as much as she will be taken care of by her relatives outside?

The Hon'ble the President: It is a matter of opinion.

UNSTARRED QUESTIONS

GOVERNMENT PLEADERS IN THE COURT OF SESSIONS JUDGES

1. **Syed Yusuf Ali:** (1) What is at present the total number of Government pleaders working in the court of Sessions Judges in the Province of Agra and Oudh, respectively?

(2) What is the amount of expenditure incurred by the Government under the above head at present and what was the expenditure under the above head before 1930?

Mr. J. R. W. Bennett: (1) The number of Government Pleaders including Additional and Assistant Government Pleaders in Agra is 47 and in Oudh 14.

(2) The total expenditure on fees paid to Government Pleaders in criminal cases was Rs. 3,25,039 in the year 1931-32 and Rs. 3,99,154 in the year 1928-29.

WOOLLEN CARPETS IN AGRA JAIL

O. no. Date
1 18-2-33

2. **Pandit Joti Prasad Upadhyaya:** (1) What is the total number of woollen carpets at present in store in the Agra Central Jail?

(2) Is it a fact that some of these carpets were manufactured 10, 12, or even 15 years ago?

(3) Is it also a fact that some of these carpets have been eaten up by worms and cannot, if sold, even fetch their cost price?

(4) Did the Inspector General of Prisons examine these carpets at the time of his last inspection of the Agra Central Jail?

(5) Did he make any recommendation in respect of these carpets?

(6) What do Government propose to do now?

2. **Mr. J. R. W. Bennett:** (1) Ten.

(2) No. The oldest was manufactured in 1926.

(3) None of them have been eaten up by worms. The reason for the difficulty in selling them even at their cost price is that at the time of manufacture the price of wool was high.

(4) Yes.

(5) The Inspector General of Prisons saw the carpets at the time of his inspection in August last year and ordered them to be sold at cost price. The matter was again brought to his notice at his last inspection in January and he has now ordered a further reduction in the price.

(6) As a result of reduction in price some old carpets were sold and some more have been sold since the reduction in price ordered by the Inspector General in January last. The question of further reducing the price will be considered if the ten carpets which still remain are not disposed of in the near future.

GENERAL DISCUSSION OF THE BUDGET, 1933-34

Rai Bahadur Babu Jagadeva Roy: Sir, I must first thank the Hon'ble the Finance Member for his most lucid speech made on the budget under discussion. Sir, about the merits and demerits of the budget I have to say that if I confine myself to what I find on the receipt side and what I find on the expenditure side, then I have to say that so far as the framing of the budget is concerned there is much credit on the side of the framer of the budget: because I find that the budget is certainly well balanced, because I find that explanations regarding decrease and increase under various heads have been very elaborately given, because I find that a good deal of suggestions have been made so far as those two items of receipt and expenditure are concerned. But I have got much to say against this from the public point of view. To begin with in this respect what I have got to say is that in the

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first place we have to take into consideration the various kinds of burdens lying over the head of an individual, I mean the tax-payer. Starting from this point of view, I find that the poor tax-payer cannot meet large demands which are certainly not within his easy reach. For instance he has to pay at increased rates in purchasing postal stamps. He has to pay income-tax at an increased rate. He has to pay similarly to pay railway fare at an increased rate. He has to pay on salt, and so on. These are the various heads which are, I think, under the control of the Central Government, but in spite of that the burden is still more on the individual tax-payer. Now let us see what burdens more have been imposed by this provincial Government. That individual has to pay more in the form of court-fees, that individual has to pay more in the form of general stamps, that individual has to pay much more heavy duty on petrol and so on. All these are burdens over an individual who cannot cope with these demands. Under these circumstances we have to see whether the present budget has relieved that individual of any of these grievances. In this respect I say that the budget helps him in no way: he is not relieved of any of his burdens by this budget. This is one of the main complaints which he has to make.

Then, the second point which I have to say is that even there is no alternative suggestion for that individual to be helped in some form or other. We all know that the question of unemployment has become a very difficult question. There is not a word in the budget to solve that difficulty. No suggestion has even been made in this respect.

Then, I further find from the reading of the various papers in connexion with budget that the Retrenchment Committee met in 1931 and prepared a scheme which was previously put before the honourable House for consideration. I admit that steps were taken by the Government to give effect to that scheme, but that has not been done to its fullest extent. I am in a position to say that there is still much more scope for giving effect to retrenchment. I am fully alive of the reasons given by the Hon'ble the Finance Member on page 6 of the statement made by him. On page 6 he gives details about retrenchments made hitherto and gives us hope for future also. But so far as the future is concerned there is the question of time, and in the way things are being done I am afraid that much more time will be taken. The consequence of this will be that the poor people will not be relieved immediately. He says on page 7 in his speech "I have now only to mention the large scheme of retrenchment in the General Administration Department, to which I made reference last year. About July last we received the Government of India's reply to our original proposals, asking for detailed information on various points and also for the collection of certain opinions. It took time to get this material together, but we are now about to send a reply, which will restate our views. Meantime, wherever action is within our own competence we are making a move, for instance in the case of Secretariat expenditure, and the change relating to treasury officers just mentioned. I am afraid that there will be some delay before final orders are passed, but I doubt if such delay will make any great difference to the results ultimately secured."

If this proposition be correct that there will be ultimately no difference then of course nothing can be said against it. But if there will be material difference, as I do believe, then in that case I should certainly say that the poor tax-payers will be very much affected. Now, Sir, we are still in the dark as to what were the specific suggestions made to the Government of India or the Secretary of State about which a detailed statement is required. If our recommendations were accepted by the Government and these recommendations formed part of the correspondence then we can unhesitatingly hope to wait for a little more time. But if we find that such is not the case, then in that case there can be no satisfaction for us. Sir, if I mistake not I find that the Retrenchment Committee made a proposal that the number of I.C.S., I.P.S. and I.M.S. should be reduced. But I find that that is not being done. I further find that reductions in salaries have been made for new entrants. But I am doubtful whether that has been made in the case of all services. Sir, I read in the statement of the Finance Secretary that new entrants in all Services will draw salaries to the extent of two-thirds of what it was before. If that statement is correct and that includes Services of all kinds, then in that case I say that there is much consolation. But if it were not so and if only people entering into Provincial Services are being affected by this reduction and not I.C.S., then I would certainly say that this is very unfair, and is a cause of much complaint and murmuring. I further find that the cut which was made in the salaries of Government servants has been reduced to half. The circumstances have been considered to be better by the Government and perhaps that might have been due to this that the Government have thought that the reduction of the cut to half does not matter. But I say on the other hand the public also is expected something because it was due to the necessity of the time that both sides were asked to co-operate. Government servants were asked to co-operate by making ten per cent. reduction in their salaries, whereas the public were asked to co-operate by meeting an additional burden put over their heads in the form of taxation. Such being the case, we find on the one side reduction to the extent of one-half but on the other side we find no reduction whatsoever. How can we meet public criticism? What has been put in this budget to enable us to satisfy the public? Was it not fair then that some sort of relief should also have been given to the public? I know the Hon'ble the Finance Member will say in reply that I am perhaps talking of the increment made in the court-fees, general stamps and registration fees but that both the Court Fees and Stamp Acts, when they were amended, were contemplated to remain in force for two years out of which one year only has so far expired and one year more is still to run and that therefore nothing could be done at the present moment. I submit this is no argument against what I say. There is nothing to prevent this honourable House from reducing to the extent of half the extra taxation levied under the amended Court Fees and Stamp Acts at this stage. That can be done very easily. Even if one-fourth of the amount so raised were to be reduced at the present moment, then it can be said to the public that their grievance has also been considered and that we have not been unfair to them also. That would have given some satisfaction to them, but I find nothing of the kind. They should not

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be told that they should wait for another full year more. There is nothing else to console them. We know the situation in which agriculturists and other classes of people have been placed. Here, regard to the present position, we can say in one word that their grievances top the list. There is another thing which reflects on the credit of the budget and it is a matter of principle. We, the non-official members, had to undergo a cut of 20 per cent in our daily allowance. Was it not proper for the framer of the budget to look to that item also? I say this on a matter of principle and not on personal considerations; this is a matter of principle; this is a matter of policy. There are critics and critics. We of course underwent a 20 per cent. cut. At the present stage there should have been no cut in our case.

Important matters which would certainly have given much relief to the public have also not been considered in connexion with this budget. For instance, the Retrenchment Committee made specific suggestions in 1921. More than a year has passed since. As regards those suggestions, I would first of all take the principle of leave as it stands at present. We know that formerly an officer was entitled to get ten days casual leave in a year, but we do not know for what reasons that period was extended to fourteen days. Was it simply in the interests of the officers that that was so done? Was it required to be done from a public point of view? If it was done under some special circumstances, has not the time come when we should reconsider that question with a view to reduce the casual leave to ten days from 14 days. Then there is the privilege leave of a month in a year. Over and above that, there is the medical leave and other kinds of leave. Is it not time that all these kinds of leave should be taken into consideration and readjusted. The cost of all these kinds of leave which the poor tax-payer has to bear is certainly very heavy; it is not a trifling item; in fact it is a question of lakhs. How can we shut our eyes to these hard facts? If an officer wants to have leave of course, he should have as much leave as he desires, but all that leave must be without pay. Then there is another significant item, viz., passage money. If any of the honourable members were to take the trouble of totalling up all the sums shown under this head, they would be surprised to find that this is also a question of lakhs. I therefore consider that under the present circumstances it is absolutely imperative that the leave rules should be so amended as to enable the poor tax-payer to have enough bread, though it may be without butter. Then, there is another important item concerning overseas pay, which swallows a good deal of money of the poor tax-payer. Further, Sir, time-scales have replaced graded posts in several services. While time-scales are beneficial to the officials concerned, they have made the load of the poor tax-payer still heavier. What led to the adoption of this very expensive system is a matter of serious consideration for this honourable House. It cannot be said that time-scales were substituted for graded posts because the former are economical. The facts and figures in our possession prove the contrary. Now, Sir, I take up the item of English Expenditure. With the introduction of the Reforms in 1921 this new item of English Expenditure

found a place in the budget. Honourable members will find that it is a very significant item of expenditure. Under the head "High Commissioner" you will find an increase of three lakhs a year, and we know not where will this increase stop. Since 1921-22 the budget of the High Commissioner has increased by 33 lakhs, which means an average increase of three lakhs a year. Can this post not be abolished in England and be replaced in India on a lower scale? (A voice. Why replaced (?)) I mean if it is required at all. It appears to me that the chief function of the High Commissioner is to make payments to those officers who have served in India and are residing in European countries, or in other words to keep the account of the money that is received from India and is disbursed in European countries.

Turning to the specific items of the budget I have to say that there are certain heads under which the expenditure has been increasing to a large extent. For instance under the head "Administration of Justice" we find that it has become a very expensive head. The expenses under this head can be cut short without any detriment to the efficiency of administration of Justice. The same thing applies in the case of police budget. The attempt which has been made so far is not very significant. There is much more scope for economy even now. Then there are other heads under which expenses are being incurred on a large scale. I am not much aggrieved as to the amount of expenses under those heads provided the works entrusted to those various heads were found up to the mark. And about those heads in the course of discussions under specific items I will have to say something. With these few words Sir, I conclude my speech.

Thakur Giriraj Singh: Sir, before I make some observations on the budget of 1933-34 I congratulate the Hon'ble the Finance Member and the Finance Secretary for so ably preparing the budget for the coming year. I think all the Councillors present, or not present, will agree with the Hon'ble the Finance Member in all the words expressed by him about the Finance Secretary. We are sorry to hear that he is retiring. Sir, we do not know what we Councillors can do for him, but from the statement of the Hon'ble the Finance Member I, at least, learn that his splendid work and exceptional abilities have raised him to such a high post, and I wish rather all the Councillors wish that he ought to get any other thing better and the Government should give him for his meritorious services. I wish him joyous and long life.

Sir, here we stand not in the capacity of the employed servants or in the capacity of those who do not get remunerations. But we the Councillors give our views disinterestedly. In other words we ought to speak in the capacity of the judges. Suppose a man speaks from this rostrum and he gets a salary and if he says that there should be no cut, then the non-official Councillors will laugh. But if another man, who gets no salary, speaks and says there should be a 20 per cent. or a 40 per cent. cut, then those Councillors who are drawing salaries will laugh. So in my humble opinion our suggestion should be such as may be just and palatable to all. As far as I am aware, last year the 10

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per cent. cut was made. I admit, Sir, that there are some officers who are drawing, or drew huge salaries, but it is not the fault of those officers who are drawing the salaries, but it is the fault of those who give them. And I should also say that when once a man is given any amount of salary and if any reduction is made in that amount, he is sure to feel it. It is better not to give huge salaries at the very outset but if any amount is given and if he knows that that amount is given to him and if he is making expenditure in taking that amount into consideration and if any reduction is made, he is sure to feel it. Last year I had a talk with some of the highest functionaries of some departments and most of them admitted that they are feeling very much because some of them used to get Rs.200 less than they got the year before last. This year 5 per cent. cut has been made in case of those who are drawing salaries at the rate of 50 or more per mensem. In my District Board at the time of passing the budget I suggested to the Chairman of the District Board that there should be 5 per cent. cut, but the employees of the Board who drew less salaries were of the opinion that unless a Government order comes from Government there should be no cut. Accordingly no cut was made in the budget of 1933—34. But I think now some percentage of cut will have to be applied to the Azamgarh District Board as well as to other bodies also.

Sir, as the Education Department is a very important department, and I think that all of us want that in some areas education should be made compulsory and free and this can only be done if more money is budgeted under this head. My submission is that more money should be given under this head as it has been given in the budget presented to us. Now as regards remissions of revenue I want to say one thing. This year the conditions of the people are not the same as that of last year. Last year only 2 annas per rupee remission was given in Government revenue and as far as I am aware the same amount has been given for 1933—34 also. But if enquiries will be made from all the districts, and particularly from those districts where half of the area produces paddy, I think we will come to the conclusion that they are not in a position to pay Government revenue at all. It will not be surprising to the Councilors who are present here to hear that in my district in two or three tahsils even one-tenth of revenue has not been paid by the zamindars as they are not in a position to pay. Recently there has been a failure of some of the crops owing to frost and hail so that the results are very bad indeed. In some of the districts where half of the fields are paddy-growing ones it is very hard on the agriculturists to pay the Government revenue *in toto* the year. Sir my submission is how can they be in a position to pay the Government revenue. From other sources Government revenue can be given, but I quote the instances of only those agriculturists or zamindars who depend upon agriculture only and who have only this source of income. So my submission is that more remission should be made for the next financial year than that of the present year. Last year the Hon'ble the Finance Member stated in his speech that in the Forest Department certain retrenchments can be made if one really looks deep into the matter. But if

we look to the exact figures of the expenditure under this head for the year 1933-34 we are sure to see that the expenditure has increased instead of being decreased. It will not be out of place to quote before the House the exact figures for the current year and for the coming year. In 1932-33 the total expenditure, voted and non-voted, is Rs. 25,84,503, and that for the coming year, 1933-34, is Rs. 26,84,510. To quote the exact words of the Hon'ble the Finance Member when he presented the budget last year "Though the obvious avenues have been explored there are still dark recesses in the financial forest where waste may be lurking." From this it is clear that if one really makes an effort some economy can be made in this department.

As regards casual leave mentioned by one of my friends, I beg to submit one thing. The extension of casual leave from 10 to 14 days does not produce any effect on the expenditure at all, because as far as I am aware, a man, whether he gets 10 days or 14 days' casual leave, is not entitled to salary at all, and even if another man works in his place that man is not entitled to any salary at all because that leave is deemed to be casual leave. A man was generally in the habit of taking more than ten days' casual leave, and the Government therefore decided, properly decided, that 14 days' casual leave ought to be given. I remember in some districts if the District Magistrate is in favour of some Deputy Collector, he can take leave even for 20 or 24 days, casual leave which goes under the term "special casual leave". As far as I am aware, the term "special casual leave" is not mentioned in the Fundamental Rules. In other words, most of the employees used to take more than ten days' casual leave, but when it was thought proper that 14 days' leave ought to be given, the number was increased.

I want to say one thing about the time-scale and the grade scale. As far as I am aware, there are some departments in which the employees are not entitled to time-scale at all, they are entitled only to grade scale; and some of the people are of opinion that time-scale is necessary or essential, especially in the case of those salaried officials whose salary is very meagre. It is so in some of the departments. Take the case of the Registration Department. I think there is only grade scale there, no time-scale at all. The honourable members of the Council are aware that employees of this department are holding conferences after conferences simply to lay their views before the Government—that they should be given time-scale instead of grade scale. My point here is not to say anything in favour or against it. My submission is that time-scale is essential to encourage employees whose salary is very meagre.

With these words I conclude my general observation on the Budget.

Mr. E. Ahmad Shah: I am not going to indulge in an ordinary customary manner by beginning my speech with congratulations to the Finance Department, and in particular to the new Finance Member and the Finance Secretary. But if a few words be expressed this year by way of congratulations, it would be expressing the sentiment of the whole House. I will explain the spirit of my remarks by referring to definite items in the budget. But before I come to it, I

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think it is gratifying to note that, in spite of the serious unforeseen calamities under which the Government was functioning during the past years, this year the finances of the province show a distinct improvement. It is true that the surplus budget is partly due to certain heavy taxations that have been imposed during the past few years; but in view of the hard times with which the whole province, nay the whole country, was faced, it was perhaps necessary that Government should have come forward with certain measures of taxation in order to bring about an equilibrium between income and expenditure. It is hoped that, with the continuance of times like the present, the burden of taxation will be reduced and we will get back to the position of normal life which will not require any additional taxation. Part of this taxation, we know, was levied on the province by our Government and some by the Central Government. Though we have no control over the Central Government, yet surely the voice of this House will be heard by the Central Government. Let us make certain definite recommendations suggesting a curtailment of taxes. And, I am sure, sooner or later the additional taxes will be abolished.

We are discussing the budget as a whole. The details of the budget will be taken up in the next few days item by item. I should like on this occasion to make a few remarks on the two sets of departments, which I may call the positive and the negative. Among the positive departments, which are otherwise known as the nation-building departments, may be classed the Agriculture and the Industries Departments, the Departments of Public Health and Medicine, and lastly the department which comes under the same category is Education. Looking at the budget figures I find that in all these three departments the Government have been very generous in the matter of giving of grants-in-aid. If we look at the Department of Agriculture we will find a very well-balanced statement of accounts. I will present the figures of 1931-32 and those of the present year. I am omitting last year's figures because last year was an abnormal year. Take one item, relief to cultivators. In 1931-32 the relief was given to the extent of five lakhs of rupees. Last year being an abnormal year the relief was three times more than what was given in the previous year. So I am not referring to last year's figures. But if we look at the figures of the present year, we will find that, in spite of certain depressions which are still afloat, the Government have been quite generous in relieving the cultivators to the extent of 6½ lakhs of rupees. The honourable members of the House are well aware that in November session the cultivators, in which I classify the landlords also, got together and created a deadlock in the proceedings of this House. It virtually forced the Government to attend to their relief in a very definite manner. Such a relief, perhaps, was over due, and we shall be gratified to know that that relief has been given in an increasing measure. I am confident that my cultivator friends will find that the relief provisions in the budget are on the whole very encouraging. Sir, I have referred to this department first of all, because it stands at the very foundation of our life; for those people who are engaged in

this vocation are busy providing for us the first essential means of life, namely, food. If relief is given to this department it should be looked upon with gratification. Let us look at the other nation-building departments, and their budget provisions for the current year. We find, Sir, that the Education Department is steadily keeping up the policy of increased facilities for education for all sections of communities. If we look at the budget figures, again, of 1931-32 and of the present year, we find that under the voted section and sub-section, revised estimates, while the Education Department spent about Rs.9,70,000 in 1931-32, in the budget provision for this year they are providing Rs.11,63,000. There is a distinct increase of about 2 lakhs of rupees. Thus we find that the Government have gone on steadily increasing money for building up this department. It is not only the case with the reserved section of the department, but if you look at the transferred section the same encouraging note will be found. Comparing the figures for the two years 1931-32 and 1933-34 (I am omitting last year's figures only because that was an abnormal year) we find that under Transferred departments the education authorities gave Rs.1,80,45,000 whereas this year they have increased it to Rs.1,80,89,000. Again the expenditure is on the increase which is a most desirable outlook. I do not want to expatiate more on this subject because I am myself interested in it. My honorable colleagues may think that I am only thinking of this department because of self-interest. So I pass on to other items giving in the budget of the current year.

Another encouraging feature of the budget is the Department of Local self-government. The authorities in charge of that department have increasingly given money to develop the multiple aspects of life under local self-Government. I shall refer to three figures which are taken from loans provided by Government to municipal boards. My first figure is from the year 1931-32 when Rs.2,59,000 were given as loans to the municipal boards for developing the multiple aspects of life under their control. Last year in spite of abnormal conditions, local self-government was in no way stinted. In spite of the deficiency all round they increased the amount to Rs.2,70,000. But the matter of special gratification comes when we note the grant which is specified in the budget for this year. They have given Rs.5,38,000 to municipal boards for developing, I shall again say, the multiple activities of life that are under their control. If you compare the figures of 1931-32 with the figures of the present year you will find that loans have been doubled and is a matter of great encouragement for us to note that the authorities which control that department have been very generous in providing funds for the development of municipal boards. So much, Sir, for the departments that are known as the nation-building departments. If we look at the other departments which may be called deterrent, we will find a similar note of encouragement in the budget provisions. I will keep in view again three departments. There are many others but for the sake of brevity I will only speak of them. These are the departments of Police, Administration of Justice and Jails. My general remark about these three departments is that when we survey the budgeted expenditure of the last three years, we find that the finances have

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been well managed and the balances have been well kept. As for instance turning to the Police Department, if we look at page 100 of the Detailed Estimates and Grants, we will notice that the figures given for the maintenance of the Police Department in 1931-32 and the figures that are given for the maintenance of the department in the current year, there is a marked balance of expenditure kept up. There have been many many variations in the services, but in spite of all that there has been no extravagance in the amounts spent. The coat has been cut according to the cloth supplied. The expenditure has been kept within the budget provisions. If we look at the Administration of Justice, we find there again on page 47, keeping in view the figures of the three years, that the expenditure is within the budgeted amount. This indicates that the department is going on with as great an efficiency as it has been in the past without entailing any extra expenditure on it. The same can be said about the Jails as a whole. There are other points which can be taken up but Sir, I shall refer to them when the detailed discussion is taken up by the House. My one general note of the estimation of the budget is that after all these years of adversity there is a distinct improvement in our finances. For this, though the Providence is to be thanked, yet it is due to the indefatigable zeal and unstinted labour of those officers who are administering the Finance Department. We are grateful to them and they are to be congratulated for placing before this House a surplus budget.

With these remarks, Sir, I resume my seat.

Captain Nawab Muhammad Jamshed Ali Khan : Sir, I begin my speech with the customary remarks of congratulations knowingly, as I remember a stanza of an Urdu poet.

وہ اپنی خو نہ چھوڑینگے ہم اپنی وضع کیوں چھوڑیں

“Woh apni khu na chorenge, ham apni waza kiun choren?” I congratulate the Hon'ble the Finance Member on his recovery, and welcome him back amongst ourselves hale and hearty. I find in the statement that it is a surplus budget. However small the surplus may be, the very word “surplus” is encouraging and if not anything else at least pleasant to the ears (and that is why I congratulate the Hon'ble the Finance Member once more for putting before us such a well-balanced budget). I also congratulate his lieutenants for preparing such a lucid statement. It shall not be fair if I do not mention the name of Mr. Teyen, our Finance Secretary, on this occasion. We are sorry that he is going to leave us, and this House will always miss him. His intelligence, diligence and ability will not be forgotten. We wish him a peaceful and happy life after retirement.

The ceremonial occasion of the general discussion of the budget is on. Honourable members are putting forward their proposal and suggestions. But we do not know how far these proposals and suggestions would be given effect to. My submission is that the memorandum of the budget should be prepared in such a way as to show how far the proposals and suggestions of honourable members made on this occasion are given effect to, so that every member may realize that the speeches

made on the floor of this House were not a mere cry in the wilderness. I do not know how far the honourable members of this House will agree with me on this point, but to me it seems quite essential. Sir, it is quite possible that this may be the last budget of this Council, and the next budget may come before the Council under the new constitution. We know that the financial condition of our province is poor, and it is obvious that the more the reforms the more the expenditure. I fear that there may not be a financial chaos at the very beginning of the new constitution, so it is our foremost duty to be very cautious and careful in our expenditure. Well, we cannot shift our responsibility by saying that there is general depression. Two wrongs cannot make one right. Our duty is to cut down our expenditure to the limit, and not to invest money in unproductive works, such as buildings, etc. I hope Government members will seriously consider this problem, so that we may not be accused by those who may come after us?

Now, I come to the very downtrodden subject, the remission of land revenue. Much has been said and on different occasions. Great stress has been laid on the fact that the unfortunate class of zamindars is in need of more revenue remissions and I do not think that it would require more arguments to strengthen this case. We have been told that the Government experts are busy in working out a formula to solve this problem. I wish to put a straight question to the Hon'ble the Finance Member whether the remission of revenue for *rabi 1340 fush* will be governed by that formula or not. It is very difficult to express our opinion on the formula which is under formation. Let it come before us and then we shall be able to say whether it can be acceptable to us or not. But I want to clear my position by saying in unequivocal terms that nothing can be acceptable to the zamindar community, be it a legislation or a formula if it in any way interferes with their legal rights with regard to the question of revenue remission. I hope the Hon'ble the Finance Member will not give an opportunity to zamindars to come forward and say that this formula of theirs interferes with their legal rights. I now take the allied subject—I mean the question of the canal irrigation rates. Sir, everybody knows that in these hard days when the price of the agricultural produce has gone down so much, these irrigation rates are very exorbitant and unbearable. When the best quality of the *gur* is being sold in the market for Rs.2 a maund, how it is possible that these irrigation rates, which were fixed at the time when the prices were double, can be paid easily by the cultivator. I think it is high time that the Government may consider and seriously consider the question of lowering down the canal rates. In good many places you will find that the remitted rent is lesser than the water dues a tenant has to pay. In this connexion I wish to point out that great injustice is done in connexion with the watering of the mango gardens. I tabled some questions in this connexion. The answers which I got are rather evasive and I am not satisfied with them. It is said that generally the gardens are mixed gardens and it is very difficult to say that a garden is purely a mango garden. I can say from my own experience and knowledge that in the Meerut Division and in the Rohilkhand Division there are good many gardens which are purely mango groves and it is great injustice specially in the case of these

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mango gardens that the water charges are the same as for sugarcane and in some cases rather more than those while they do not require so much water as sugarcane fields.

Now I want to say a word about those young gardens that have been recently laid out. They do not bear fruit at all for sometime. Only wheat and barley are sown till the trees grow up. My submission is that till they are big enough to bear fruit, water rate applicable to wheat and barley only should be charged and not that which is charged in the case of big and grown up gardens.

Now I want to say a word about the hydro-electric scheme. I have been a great admirer of this scheme from the very beginning, and even now I do not grudge the money spent over it as I consider it an expenditure of a productive nature. But it should be considered and well considered that it is primary duty of this Hydro-electric Department to promote the agriculture of these provinces. What was aimed at was that through the hydro-electric scheme we shall be able to irrigate those tracts of land which are beyond the reach of canal water. My submission is that more State tube-wells should be sunk in those areas which have no canal water. But at the same time it will not be beneficial to spend money over these State tube-wells unless the rates for irrigation are lowered. At present—I can say about my own district—the irrigation charges in connexion with these tube-wells are Rs.4 per bigha per watering while the canal charges are Rs.6-4 for sugarcane which means eight or nine waterings.

The Hon'ble the Finance Member : May I ask which wells these are ?

Captain Nawab Muhammad Jamshed Ali Khan : I am talking about the wells in the Ahera village in the Baghpat tahsil.

The Hon'ble the Finance Member : There are no State tube-wells there, I think.

Captain Nawab Muhammad Jamshed Ali Khan : I do not know about these Gangapur wells or the rates for them, but I think they are much more than the canal rates. When we are unable to pay the present canal rates, how is it possible that we shall be able to pay up these high rates ? One more point in this connexion that I want to emphasize is that two kinds of rates have been fixed by the Hydro-electric Department—agricultural and industrial. It is simply amazing that for irrigation purposes they charge different rates. For instance, a man puts an electric motor on his well and irrigates his field, they charge one anna per unit, and it is said that it is the agricultural rate, but if he wants energy for crushing sugarcane, the produce of the same field, then it is said that it is industrial concern and a charge of one anna six pies is levied. My submission is that every agricultural concern in some form or other is industrial while it is not at all necessary that every industrial concern may be agricultural. So this distinction should be abolished and the energy which is used for a thing directly concerned with the land should be charged at the agricultural rate.

Well, Sir, I cannot help congratulating my friend, Mr. Stampe, on the untiring efforts he has made for the success of this hydro-electric scheme and there is no doubt that if the rates are lowered and more tube-wells are sunk, it will prove a boon for western districts.

Now, Sir, I wish to say, a word or two about sub-divisional officers of the district. The other day a resolution was moved on the floor of this House requesting that sub-divisional officers be instructed not to fix, while camping, cases of villages which are ten or twelve miles away from their camp. Particularly in the rainy season it is very troublesome for litigants to go all the way to attend their cases. In my opinion it was a very sound proposal. My point, however, is that if sub-divisional officers are stationed in their sub-divisions permanently, this difficulty will be removed altogether. Not only that, but if he is at the tahsil headquarters all the time he will have more hold on his sub-division. It is decidedly a good scheme from the administrative point of view, and in the long run it will also prove economical. I hope the Hon'ble the Finance Member will consider this suggestion and if it is found practicable—of course, I do not know all the pros and cons of the proposal—it should be adopted and sub-divisional officers should be asked to stay permanently at the headquarters of their tahsil. I am sorry to see that the Hon'ble the Home Member is not in his seat at present. I wish he was there as I want to deal with matters concerning his departments. In fact, it was for this very reason that I requested in the beginning of my speech that the budget memorandum should be prepared in a form which may show what suggestions made by honourable members of this House in the course of the budget discussion are given effect to, because some times their speeches are not listened in the House itself and the suggestions made therein are not at all attended to. My point, Sir, is that there is a general complaint in the public that licences for fire-arms are cancelled by refusal to renew them and that applications for fresh licences are rejected. I know of a good many cases as will show that even the licences of people who have all along been loyal and faithful to the Crown and who are of good social status and position have been cancelled. Similarly applications for fresh licences from persons of good social status and position have been rejected by District Magistrates. The plea generally adopted is that in many cases it has been found that licensees misuse their arms. Supposing it is so, then is cancellation the remedy? Suppose the police of a certain police station is unable to make proper arrangements and adequate bandobast for the protection of lives and property within their jurisdiction, and then instead of bringing the police officer to task for his incompetence or negligence, you pass a law that nobody is allowed to keep cash or ornaments in his house and if anybody does so, he would be prosecuted. I do not think it is a remedy. If a licensee is found to misuse his arms, he should be prosecuted—nothing to say of the cancellation of his licence. But I do not think it advisable to carry on a general massacre and cancel wholesale licences merely on an unverified notion of misuse. I do not know the exact figures—perhaps my honourable friend the Inspector General of Police knows it—but as far as my limited knowledge goes the number of dacoities and thefts has

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increased and I think it is to a certain extent due to the cancellation of licences. When dacoits know that a particular village has no arms or not more than one or two, they can very well go there and commit dacoities, murders and thefts. I hope the Hon'ble the Home Member will look into the matter and will take immediate steps to redress this general grievance of the public.

Now I want to say a word about the Education Department. In these days when our finances are poor, we should see every nook and corner for economy. Being a lay man I do not know what would be the effect of my suggestion, but I think it is quite futile to continue the system of intermediate colleges. I think the money that is spent over them does not give a satisfactory return. As far as my knowledge goes F.A. is not a standard examination for government service. Matriculation examination or the B. A. examination is the qualification which is required for government service. If that is so, then what is the use of keeping these intermediate colleges? First year and second year are merely preparatory classes for a degree examination, and I do not think there is any justification to keep these intermediate colleges at all. We have given sufficient trial to this scheme and no one can say that it is early to form any opinion on this question. I hope the Hon'ble the Minister will look into the matter.

I have got another suggestion to make about the Education Department. My submission is that in every high school a class should be opened in which patwari papers, land revenue policy and other subjects which are essential for zamindar boys should be taught. When there is a manual training class, commercial and other similar classes, why should there not be a class which may be beneficial for the children of zamindars. It will not be out of place to mention here that the zamindars pay the major portion of the provincial revenue, and when they want something to be done for their children why should not their wishes be favourably considered. I hope the Hon'ble the Minister for Education will look into this question. I want to bring into notice another grievance of the Muslim examinees in this connexion. Generally in the preparation of the examination scheme the question of Juma prayers is not considered at all. Two papers, one in the forenoon and one in the afternoon are put and it is quite impossible for a Muslim examinee to go and offer his Juma prayers. If only a small amendment is made that on Fridays only one paper should be kept in the morning I think this difficulty can be solved and this grievance of the Muslim examinees can be easily removed.

Now I want to say a word about these registration offices. As far as my knowledge goes the registration work is decreasing every day and the chances are that it may decrease more. There are a good many stations where the existence of a registration office is not at all necessary. Why may we not go back to the old system entrusting registration work to tahsildars at such places? Of course at those places where the work is heavy we can keep these registration offices, but at those places where there is not enough work this work should be entrusted to tahsildars. I do not want to be misunderstood in any way.

My proposal never means an addition to unemployment. Those sub-registrars who are well qualified and especially those who are graduates, can be very well taken into the Revenue Department as naib-tahsildars. You can stop recruitment of naib-tahsildars for some time till these sub-registrars are fitted in and in this way I think we can make some economy.

Now I want to say a word last of all Sir, that beggary is rather a curse and it is becoming a nuisance almost. You will find in every station, in every street, in every market, hundreds of beggars wandering about. I think we should try to put a stop to it. I do not say that you can do it by one stroke of pen. Rome was not built in one day. But if you just take serious steps towards it you can do much. My submission is that in certain places and in certain districts, poor houses may be opened and small industries should be started such as knitting, sewing and other similar industries and these persons should be kept over there in the poor house. After establishing these poor houses you will be perfectly justified to have some sort of legislation passed in respect of that particular area prohibiting and penalizing beggary.

Nawabzada Muhammad Liaquat Ali Khan : Sir, I have to begin my speech with a grievance against the Hon'ble the Finance Member. It has been customary in the past to consult the leaders of the various parties in this House while arranging the order of demands for discussion. I regret to say that that courtesy has not been shown to the non-official members of the Council this year. After having said that I have great pleasure in offering my congratulations to the Hon'ble the Finance Member for presenting a balanced budget. Although the balance is not very much yet we are thankful for small mercies. After having been used to see a deficit budget year after year it does one's heart good to see that this year the budget is a balanced one.

Sir, it is not my intention to go into the details of figures as embodied in the volumes that have been given to us. I propose to touch very briefly on two or three very important matters. First of all I think I am voicing the general feelings of the honourable members of this House when I say that we protest very strongly against the restoration of 5 per cent. cut in the salaries of the Government officials. It is an admitted fact that at the present moment when the financial state of the provinces and the country is in a very bad way the salaried servants are best off. The income of the business man has gone down tremendously. The income of the tenant and the zamindar has been reduced by more than 50 per cent. When all the other interests are suffering terribly and nothing has been done in this budget, or the budget of the Government of India to give any relief to them this restoration of 5 per cent. cut in the salaries of a class of people who are best off cannot be justified under any circumstances. The cry of financial stringency loses much of its force when we find that those who claim to be our trustees are always too ready to fill their own pockets first of all before doing anything for anyone else.

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The second point on which I wish to touch very briefly is the question of retrenchment in the Imperial Services. We find that so far the Government have not done anything in this respect. When I say that they have not done anything, I mean anything tangible. Correspondence has been passing between this Government and the Government of India, and that is all that has been done. Last year Sir, the Hon'ble the Finance Member asked this House to pass certain taxation proposals. He gave us to understand that if this Council did its duty the Government will not fail to do theirs. This Council has done its duty.

This Council voted for the passing of that Bill and levied further taxation on the people, whereas the Government have not fulfilled their part of the agreement which they had made at the moment. These things, Sir, make one think whether the claim of the Bureaucracy that they are in this country for the benefit of the people is really a just one. Without reducing the taxation, without reducing the burden of the people, they have had their salaries restored by 5 per cent. I hope that there will not be any further restoration of this cut until and unless the burden of the people that is falling very heavily on them is reduced and retrenchment in the Imperial Services has been carried out.

The third point which I wish to touch upon had been under discussion in this House more than once and that is the question of remission of revenue. This House has on more than one occasion passed unanimously resolutions to the effect that the remission in revenue should be proportionate to the remission in rent. I do not propose to traverse the old ground. This question was discussed very thoroughly at the last session of the Council. We expected that in the next year's budget better provision would be made for giving relief to a class of people who are in the worst state financially and economically. What we find however is that no better provision has been made; the same provision has been made in the budget for next year as was during the last two years. This Council at the last session was forced to take up an attitude which, had the Government been a responsible one, would have turned it out of office. The non-official members of this Council are still of the same opinion as they were at that moment and if this Council has let the supplementary demands pass it is only to give the Hon'ble the Finance Member an opportunity of finding some way to meet this just demand of the zamindars. We have been told by the Hon'ble the Finance Member in his statement which he read on the 27th of last month, that this matter is under consideration, that a special officer has been appointed to go into this question and that he is giving his whole-hearted attention to this question. We hope, Sir, that before we have passed all the items of the budget we will be told what decision the Government have arrived at; we would like to know where we stand. If it is the intention of the Government not to do anything for the zamindars, then we may have to take a different attitude. The justice of the case of the zamindars cannot be challenged by any one in this House. I think the Government themselves will admit in their fairmindedness that there is a good deal of force in the demand that the remission in revenue should be in

proportion to the remission in rent. They have always made out that they were unable to do anything on account of the fact that their financial position did not allow of any further remission. But now when we find that the services have been given a sum of twenty lakhs without taking into consideration either the financial position or the economic depression in the country, we feel that argument will not carry any weight with us this time.

Sir, I shall be failing in my duty if I did not pay a tribute to the Finance Secretary, Mr. Teyen. The Hon'ble the Finance Member has rightly praised him for the services that he has rendered to the Government and to this Province. We the non-official members have always found him most courteous and helpful whenever we asked for help. I wish him a very happy life in his retirement.

Khan Bahadur Hafiz Hidayat Husain: Speaking last year on the budget, I had hoped that Mr. Teyen would see his way to continue in office till such time as the new reforms come in. Unfortunately, however, that has not been possible. He is retiring, and I echo the voice of this House when I say that in his retirement he carries with him all our good wishes for his continued happiness and peace.

Speaking on the budget of this year, I join my friend, Nawabzada Liaquat Ali Khan, in congratulating Mr. Blunt on the succinct and the lucid way in which he has presented his budget. But I cannot disguise from myself the fact that I take a very gloomy view of the finances of the Province as they seem to emerge. It is all very well to say that we have paid our former debts. We have paid all these debts not from our provincial revenues, but from borrowings. It is further contemplated to fund the provincial deficit of 128 lakhs of rupees from the Government of India so that, looked at from any point of view, I do not think that financial equilibrium or financial redemption, which should be the aim and ambition of the Finance Department of any province, has been or is going to be achieved in the near future in these Provinces and therefore, Sir, confining myself to this viewpoint I cannot congratulate the Finance Department on the manner in which the finances of these Provinces have been managed.

Sir, I am now departing from the four corners of the budgetary figures and crave the indulgence of the Chair to say a few words on those matters which are uppermost in our minds; some of these have already been voiced in this House by the speakers who have spoken before me. It is only gainsaid that the economic conditions of these Provinces and India as a whole are governed not by conditions of isolation, but that they are regulated by world conditions. But my submission, confining myself to our own Province is that there are certain reasons for the depression and for the downward condition to which we have been relegated peculiar to our own and I wish that Government would pay particular attention for the future well-being of the Provinces on those subjects to which I draw their attention. True, uncertain rains, idiosyncracies of the weather, vicissitudes of climate, go a long way towards affecting the finances of the Provinces, and budget is after all only a gamble in rains. Prudence, therefore, requires that consideration was given to other matters, which would not necessarily depend on conditions of weather. My submission is that we have been spending more money over

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objects which could have been easily avoided and could have been devoted to subjects that would have been of profit and of advantage to the people of these Provinces. Let me, Sir, tell the Hon'ble the Minister for Industries—fortunately he is present in his seat now—that cottage industries of these Provinces have to be given due prominence in his programme. I believe that the Hon'ble the Minister has done, during the term of his office, very much more than probably many of us expected, but there are so many other things that have got to be done, so many cottage industries that must be financed. We have got the Bijnor industry; we have got the Hapur industry; we have got the Moradabad industry; we have got the Farrukhabad printing; and we have got the Fatehpur calico printing. I ask, are these industries not being famished? Indeed what is their position? Can they stand comparison with any of the similar industries of other provinces? If not, my submission is that these cottage industries should now come in for their due share. We talk of unemployment. But I ask if unemployment cannot be checked by financing in however small a way our cottage and similar small industries? Will these not go a long way towards relieving unemployment.

The second point on which I wish to lay special emphasis is the topheaviness of our administration. About three years ago, with all the emphasis at my command and with all due respect that was in me for the Government, I submitted that the administration was so topheavy that it might one day collapse. Sir, I expected that on financial conditions deteriorating if for no other reason, efforts would be made to look things into their realities and to co-relate our administration to the financial conditions of our Province, but what has been done? You might have chopped off a few orderlies here and a few orderlies there. You might have thrown overboard a few clerks here and a few clerks there. But what of the Imperial Services? What of other highly paid appointments. Till such time as the topheaviness of the administration is not removed, my submission is that there can be no question of financial redemption of these Provinces. Stress has been laid by previous speakers on the restoration of 5 per cent. cut. Well, Sir, if the Provinces were not in that financially dilapidated condition in which they are now, I would be the first person to say that not only 5 per cent. but all the 10 per cent. should be restored. But what is the position now? We have got here a tenantry from which Government derives the largest income, at the end of its tether; their power of resistance is absolutely gone, they are now living not only from hand-to-mouth, but have scarcely one coarse meal a day and even that is sometimes denied. That is the fate of the people who contribute the largest income to the coffers of the Government. Next come the humbler zamindars. 86 per cent. of these zamindars pay a revenue of from 1 to 300 rupees. May I ask what have the Government done to ameliorate their condition? My honourable friend Nawabzada Liaquat Ali Khan said, "We want to know where we stand?". I want to know how low are we going to fall. There is no question of standing. The question is, how far are we going to be let down? There were remissions of Rs. 130 lakhs last year. There might be remissions to the same

amount this year. But are these enough? Are the Government satisfied that the remissions they have made to the zamindars are enough? Look to the condition of the tenantry, look to the condition of petty zamindars particularly, and you will find that not one single pice even from borrowed money is left in the hands of the petty zamindars with which they could resist the future onslaught of the weather? If that is the condition, can we take pride over the financial condition of the Province? Look at the condition of Bengal. In Bengal there is permanent settlement. According to Percy report of the Round Table Conference the deficit there in the provincial forecast is 200 lakhs. That is the condition of a province where there is permanent settlement. Here there is no permanent settlement; in fact the condition of the agriculturists of this Province is worse than that of Bengal and has really been going from bad to worse now. The surplus estimated on the figures supplied by our Government, however, is 25 lakhs. How? Simply because the Government has not properly considered the condition of the poor tenantry and the poor zamindars. With a little more sympathy into the conditions of those who are connected with land, my submission is that this expected surplus of 25 lakhs of rupees would dwindle down to nothing. Therefore, I appeal to the Government to look into the matter a little more sympathetically and in view of the realities of life I have no doubt that they would come to the conclusion that the surplus which they anticipate is not founded on actualities of life. In paragraph 23 of the Hon'ble the Finance Member's Statement we find it stated "As compared with 1932-3, gross revenue (excluding irrigation working expenses) is 27½ lakhs above the revised for the current year. The principal contributors are Land Revenue, where there is an increase of 12½ lakhs as a result mainly of reduced provision for remissions due to crop failure, which were high in 1932-3; and Excise, where the increase is 11½ lakhs as the result of returning on the basis of actuals to a (low) normal figure. Other heads contribute between them an increase of 3½ lakhs."

Confining myself firstly to the question of land revenue, my submission is that this increase of 12½ lakhs as a result of less provision for remissions due to crop failure is not at all justified. Have we not had this year again another failure in our crops? Have we not had frost which has dried up some of our staple food in its buddings? Have we not had untimely rains? Have we not had all these vicissitudes of weather? Then my question is. Are the remission we are giving to the zamindars enough; are the remission we are giving to the tenants enough? Have the Government taken the zamindars into confidence in remitting land revenue, and in remitting rent? Have the Government or their officers satisfied themselves that the remissions they are giving are being given to those who really deserve them. If not, my submission is that you have treated the zamindars as the fattened calf which must be sacrificed at the altar of loyalty. But beware times may come when those very persons who have been the props of the Government, who have been loyal to the core from beginning to end, may find that loyalty does not pay, and then how can the stability of the constitution be secured? We are all for securing the stability of the constitution. If you kick out one

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element which has been stable throughout life, then my submission is that you alienate the sympathies of that class which has got the greatest stake of the country and alienation of the sympathies of that class will react on the stability of the constitution.

The Hon'ble the Finance Member stated in his statement that the Government have appointed a Special Commissioner in order to formulate those general principles on which remissions of land revenue and remissions of rent would in future be made. We all in this House welcome that announcement, but we do not yet know when those formulas would see the light of the day. I hope the position contemplated in the Persian line تا قوت من می رسی من بخدا می رسم would be avoided. I hope this formulation of new policy will come sooner than later, so that the poor zamindars and the poor tenants may know their position and regulate their lives accordingly.

I come now to the question that has been debated in full dress debate only a few days back, and that is the question of excise revenue. I entirely agree with the Hon'ble the Minister when he says that money that should legitimately go into the coffers of the Government should not be allowed to go into the pockets of the bootleggers. I admire him, for he has come out and placed his cards frankly on the table. He has not shilly shalied. He has openly stated that revenue is a consideration that cannot be ignored from the excise policy to be followed by Government. I certainly, Sir, have got more respect for his person for speaking so frankly. But for his policy, I have my doubts. Can it be imagined, Sir, that the auction system will tend to promote either temperance, abstention, or prohibition. I have seen myself, that by road side under the shade of trees liquor shops are now kept which never existed before to lure the passerby. Will this not be an incentive to drink. I therefore ask the Hon'ble the Minister to look into this question. I know that there are defects in the surcharge system. I was a great advocate of the surcharge system. I was a member of the Commission that sat in 1924 which finally introduced the surcharge system in these Provinces. But I now realize that surcharge system is not without faults. And the auction system has certainly faults of its own. Some action should therefore be taken by the Hon'ble the Minister either in collaboration with the Council or with the committee to be constituted for the purpose or at his own initiative in order that abstention may be successfully promoted. My fear is that if we go on with the policy that we pursue now, it is difficult to say that abstention will be promoted, and therefore, I ask the Hon'ble the Minister, to devise some such policy which would, without defrauding the Government of a legitimate portion of its revenue would also materially cause the promotion of real temperance and abstention in the Province.

Finally, Sir, I have to say a word regarding our future finances. On the 4th of November, 1932, my honourable friend Rai Bahadur Thakur Hanuman Singh moved a resolution in this House to this effect: "That this Council recommends to Government to convey its opinion that the recommendation of the Finance Committee to revise provincial contribution to the Central Government is unacceptable to

it." Now let me point out to the Council that there seems to have been some misconception regarding the Percy report, on which this resolution was based. It is not that the Davidson report or the Percy report have recommended that a certain portion of our revenue should go to the Central Government. That is not the intention at all. The history of the provincial finances supplied to us by the Hon'ble the Finance Member shows the circumstances under which the Meston award was made. There is no question of repeating the Meston award now : on the contrary, the idea is that for some years at least income-tax shall be a federal subject. The contention which is consistent with the ideal of provincial autonomy is that income-tax shall also remain a provincial subject, and till such time as income-tax does not remain a provincial subject, there is no meaning in the word "autonomy". Therefore in the last report of the Indian Round Table Conference it has been stated that "in this connexion we note that if any schemes on the above lines were adopted the references in the Davidson Report to "Provincial Contributions" should be construed as applying to the block amount retained by the Federal Government from the Provinces." But my submission is that in order to effectuate the resolution of 1932 our Government ought to insist that income-tax shall be a provincial subject and not a federal subject. If, however, the Federation requires some money for its expenses, then the contribution that should be made to the Federation from the province shall be subject to the vote of this Council and the Provincial Council on consideration of all the questions—the question of contribution paid by the States, the question of contribution paid by other provinces, army expenditure, etc., shall consider what contribution this province should pay to the Federal Government, that is to say there should be no external imposition on this question. On the contrary this Council ought to be consulted every year in order to see what portion of the provincial income—I mean the income derived from income-tax—shall be given to the Federal Government. Many of the indirect taxes on the peoples of this Province will go to Federation, for instance a tax on match, corporation tax, etc. Income-tax is a form of direct taxation, the Government of the province therefore should insist that any contribution that has to be made from the province to the Federation for the purpose of running its expenditure, shall be a matter which shall not be decided by outside imposition but shall be left to the discretion and to the judgment of this Council in order that it may see how much money it could without detriment to its own interests spare. It is then that provincial autonomy shall have its real scope. Otherwise I maintain that unless and until we have full control of our finances, provincial autonomy will not be real but only fanciful.

Khan Bahadur Maulvi Fasih-ud-din : Sir, it goes without saying that the slump in the prices of agricultural produce in the closing months of 1929 which unfortunately still continues has disturbed the equilibrium of the finance of all the provinces in general and of our own province in particular. The land revenue in no other province forms as much as 50 per cent. of the provincial income and in no other province there have been so many remissions and on such a large scale in the land revenue as in our province. Besides to our

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misfortune the income has been over-stated and the expenditure has been under-stated in successive budgets. These two causes are responsible for the fact that in the year before last there was a deficit balance of 87 lakhs which by economic administration was brought down to 73 lakhs last year. This amount by the same process was brought down by the Government to 59 lakhs in the budget of the current year. It is really a matter of great satisfaction that in the actual working of the administration during the current year, this deficit of 59 lakhs has been brought down to the paltry figure of 10 lakhs and this in spite of the fact that the Government had to give a rebate of 10 per cent. to the Government servants. This in my opinion is a feat for the performance of which the skilful and intrepid pilot of the administration has deserved our most genuine gratitude. We find that the increase in the income has been chiefly under the head of Excise, namely, eighteen lakhs of rupees. A few days ago there was a passage at arms between the leader of the Nationalist party and the Minister in charge of Excise about the policy of the Government regarding Excise. The Nationalist leader argued that surcharge system was better than the auction system and that the latter promoted consumption of liquor while the Minister argued that the auction system was better in this respect that it prevented illicit manufacture of liquor and at the same time brought more revenue to the Government. This increase, I think, is partly due at least to the introduction of the auction system in eight or nine districts of these provinces. Sir, apart from the fact of the increase in the revenue under Excise, my own opinion is, and this is the opinion of many other colleagues of mine, that both the systems are quite powerless to stop consumption and under both of them the consumption of liquor increases from day to day. As I said on that occasion, the policy of the Government should be total abstinence and the final abolition of the Excise Department. I confess that the income of the Government from Excise is as much as one crore and thirty lakhs of rupees, while the expenditure is only about ten or eleven lakhs of rupees and that it will be difficult for the Government to give up such a large income specially in these hard days. But at the same time when we all agree that drink is an evil, any income from an evil source ought to be put down with a strong hand by the Government. I do realize, as the Government says, that it is not legislation alone that can do away with the evil of drink unless the habits of the people are changed. This is correct to some extent, but legislation can go a great way in changing a habits of the people as legislation stopped *sati* in old days. We have got so many social reformers and missionaries who go about preaching temperance, sobriety and moderation in drinking.

But I am afraid that these gentlemen do not really understand what they talk about. There is no half way house in my opinion between drink and total abstinence. I wish there were more Pussy-foot Johnsons amongst us in order to drive away the demon of drink from our midst. In any case we must wait for better days and more prosperous finances before we can press the Government to adopt the policy of total abstinence and finally abolish this department. The Government is not right in continuing its present policy and I think it is high time for the Government now to seek fresh fields and

pastures new for satisfying the hunger of the exchequer. We hope that the new constitution will bring with it in its train some change in this policy. Sir, there is no doubt that the present budget is a very hopeful budget whatever criticism we offer against it. This budget not only wipes away the deficit balance of ten lakhs of rupees but presents us with a surplus of 22 lakhs and this is in spite of the fact that the 10 per cent. cut has been reduced to 5 per cent. in the salaries of Government servants, which has cost Government 22 lakhs of rupees. So, I think, we cannot call this budget as presenting a gloomy prospect. In fact the budget shows that Government has been trying to increase its income to the maximum and reduce its expenditure to the minimum and for this reason I do not think that the budget can be called an optimistic budget. Optimism means overstating of income and understating of expenditure, but this has not been done in the current year and the Hon'ble the Finance Member promises that he will not do it in the next year too. The Hon'ble the Finance Member deserved our best thanks for having presented this budget before us and his two deputies also deserve our thanks. It is a pity—in fact I think it is a misfortune for the province—that Mr. Teyen is going to retire so soon. I thoroughly endorse the high encomiums that have been showered on his head by his boss.

Sir, I have now reasons to believe that the promise of His Excellency the Governor which he made at the time when he gave his memorable address to this Council to the effect that he was determined not to leave a legacy of bad finances to the new constitution is being fulfilled and the gloom of despair which overhung this Province is being dispelled.

Coming to the budget itself, Sir, we find—and it is a matter of pleasure—that Government is going to allot an additional sum of seven lakhs of rupees to Education, but in this world there is no such thing as pure joy and mixed sorrow and our sorrow is that these seven lakhs rupees have been allotted chiefly towards the increase in the pay of of the staff, increase in grants in-aid to secondary education and increase in the university grants. Of course I do not grudge the increase in the grants to universities which seem to be very hard up these days, but I certainly object to increased grants towards the pay of the staff. As has been just stated by my friend Hafiz Hidayat Husain the administration in every department happens to be top heavy and it is high time for the Government to pause and cry halt in its policy of making the various departments more and more top heavy.

As to secondary education, I agree with Nawab Jamshed Ali Khan Sahib that the scheme of intermediate colleges is proving expensive for us. They are responsible for devouring a good deal of money and probably it is these institutions that require an increase in the grant of education. This scheme of intermediate colleges was recommended by the Sadler Commission in 1921 or 1922 and no Province other than ours adopted that scheme. It has been tried for over a decade now and it has proved to be a failure in my opinion. The Aligarh University is trying to give up that scheme altogether. The fact of the matter is that the students of the first year and second year classes, who used to get their lessons from highly paid professors

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before, in the intermediate colleges are now getting their lessons from lowpaid teachers who possess no better status than the teachers of ordinary high schools. They also lose the chances of associating with the students of third year and fourth year classes. So the scheme is to be condemned both from the point of view of expenditure and the point of view of efficiency. I think it is now up to the Government to do away with this scheme altogether and to relieve the tax-payer of this additional cost on education. The chief reason for our sorrow is that there has been a distinct decrease under two very important heads in Education, namely the girls' schools and the primary education. As to the girls' schools, I leave it to our esteemed colleague the worthy wife of the worthy Minister of Education to fight with the Department for the scant courtesy which it is showing to her sisters. As to primary education, I am sorry to say that during the last 8 or 9 years there have been so many committees—about half a dozen or more—for the purpose of devising schemes of compulsory mass education; these committees have given their reports and have recommended various schemes of making every boy and girl literate within a specified period, but all these reports are adorning the Secretariat shelves and not one finger has been raised in order to give effect to any part of any of the schemes that have been drawn up by these committees. All the money and time spent by these committees is now love's labour lost. The Department and the Government say that there is no money for making any advance in contending against illiteracy in these Provinces and we are reminded in this connexion of the old Hindu proverb that there will be neither nine maunds of oil, nor shall we see the dance of Radha. So the present budget which cuts down as much as about three or four lakhs from primary education grants makes us hopeless of the future and makes us think that we should altogether give up an idea of contending against illiteracy and of improving the figure of 90 or 92 per cent. illiteracy in these Provinces. Sir, I find that the Hon'ble the Finance Member has suggested many of the ways in which retrenchments have been made by Government in the current year and he says that he is going to pursue that policy of retrenchment in future. For that reason I should like to make a few suggestions in this connexion. My friend Mr. Jagadeva Roy has made certain suggestions which I will not touch upon. The first suggestion that I am going to make is about item no. 1 of the Finance Member, namely, the placing of the various departments under one head and thus curtailing the number of heads of departments. Something has been done I am glad to see by the Government in this direction but much more still remains to be done. For instance the head of the Veterinary Department, namely, the Director of the Veterinary Department, gets Rs.1,700 a month and he has two Deputy Directors getting pay of Rs.800 to Rs.1,000 a month. Besides this there are three Superintendents getting Rs.250 to Rs.700 a month. This expenditure I think is all superfluous and at least the Director of Veterinary Department should go at once and the whole department can be easily placed under the general control of the Director of Agriculture especially when there are two Deputy Directors and

three highly paid Superintendents to look after the department not to speak of a corps of veterinary assistants spread all over the province. The other point I wish to urge is this that there was a discussion on the floor of this Council some time ago regarding the abolition of the post of Inspector General of Hospitals and of the Director of Public Health. Some of us at that time were of the opinion that the Inspector General of Hospitals should go. But the Government did not seem inclined to favour the idea. Subsequently when Colonel Dunn the Director of Public Health retired we were all under the impression that the Department of Public Health would be placed under the Inspector General of Civil Hospitals. But that too was not done for reasons which are not known to us. I think it high time for the Government to place the department of public health under the Inspector General of Hospitals if the post of the Inspector General of Hospitals is at all to be retained. The other point that I wish to urge is that the recommendations of the Retrenchment Committee about the abolition of some small districts has not as yet been conceded to by the Government. Probably the Government thinks that in these days of political turmoil it is not safe to narrow down the area of the units of administration. If that be so then I would suggest most respectfully that at least several judgeships should be abolished, specially those judgeships that have been newly created and in that way there will be a good deal of retrenchment and a lot of money will be saved. Again as I have said above many of the departments are becoming top heavier and heavier even now. For instance the Department of Agriculture, the Department of Industries and the Police Department. I am not in favour of the abolition of the post of Deputy Inspector General, Criminal Investigation Department, for the simple reason that detection work of the Indian Police is so bad and so unsatisfactory. It is a pity that in spite of the efforts of the Government to improve the morals of the Police Investigating Officer there are yet a large number, at least a sufficient number of inspectors who depend on their batons rather than on their detective skill for the detection of crime. Indeed it is a pity that a nation of rulers which possesses a detective police in their own Home, which is one of the wonders of the world, should possess a police of this kind in India. It is for this reason that I think it would be rather unsafe on this occasion to do away with the post of Deputy Inspector General, Criminal Investigation Department. But I am sure one of the Deputy Inspectors General of Police ought to go, either the railway Deputy Inspector General or the range Deputy Inspector General. I maintain that the Deputy Inspectors General of Police are certainly not needed and their work is not so heavy as is given out. They usually deal with their superintendents and pass on most of their reports to the Inspector General of Police. They go about inspecting the headquarters of the district and they stay for a day or two and get very little knowledge of the district and meet very few people and they are not in a position to know really what is going on in the district at all. It is for this reason that I think that in these days of financial stringency so many deputy inspectors general are hardly needed. Sir, there are many other points which I would raise in connexion with the discussion of the budget, but I should like to mention one fact more and it is

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about the remission of land revenue which has been dealt with by my friends Nawabzada Liaquat Ali Khan and Hafiz Hidayat Husai Sahib. We find that the Government has got land revenue to the extent of 13 lakhs of rupees more than last year.

Shaikh Muhammad Habibullah : No.

Khan Bahadur Maulvi Fasih-ud-din : However, it is for the Hon'ble Finance Member to say if that be so, and if my opinion is correct I think it means that they are going to reduce the remission of land revenue by 13 lakhs during the coming Fasli year 1340-41 Fasli. However, I stand corrected if my idea is not right. In any case, we find that the Government has placed an expert settlement officer on duty to draw up Bills for the amendment of the Agra Tenancy Act and the Oudh Rent Act in order to regulate the remissions of revenue and rents in future. The Hon'ble the Finance Member says that this expert officer is trying to find out a formula for the automatic reduction of rents and revenue as compared with the range of prices.

Shaikh Muhammad Habibullah : Is it possible?

Khan Bahadur Maulvi Fasih-ud-din : I think, it is.

I tried to work out a formula of this kind myself about a year ago and I came to the conclusion that it was quite possible to think out a formula of that kind. But what I want to submit, Sir, on this occasion, is that this expert settlement officer, whoever he may be, may not be allowed to prepare any Bill or any legislation before the Government takes representatives of the zamindars into confidence; otherwise, I am afraid this expert settlement officer will take only a one-sided view of the whole thing, viz., the view of the Government, and the views of the zamindars will not be represented. So, before the Bill is prepared I would request Government to take us, the people, also into confidence as regards this formula.

A still greater relief that is needed to the tenants is the passing of the legislation recommended by the Agricultural Debt Committee. If this legislation is brought up at once, I am sure it will afford much greater relief to the tenants even than the remissions themselves, and it will render it unnecessary to make large sweeping reductions in rents and consequently in land revenue. Mr. Clay, when he was officiating as Finance Member, said in one of his speeches that the Government was not going to kill agricultural credit and that for that reason Government was proceeding with that matter rather cautiously. I submit, Sir, that no one in the Council or outside wants to kill agricultural credit; nor does the Committee on Agricultural Indebtedness want to do so; nor does the Co-operative Department of the Government want to do so. In fact, money-lending is considered to be a useful institution by many of us as it fulfils the immediate needs of the borrower; but certainly a money-lender is different from an usurer who is devoid of all sympathy for his fellow beings and devastates individuals, families and nations without any mercy and tries to fill his pockets at the expense of the poorest men who happen to be unfortunately his customers. Surely I hope that the Government will agree that the morality of a man of this kind is regrettable,

and humanity has to descend many steps before it comes to the level of the morality of a man like this. It is against this man that the intended legislation is meant, and if the Government make further delay in this matter, they will be killing the goose that lays the golden eggs. A belated legislation will be of no use later on when the cultivator of the soil will lose all the little staying power that he happens to possess just at present. The orders of the Government which have been recently passed about stopping the sales have not gone a very long way for the simple reason that the Government gives option to the Collector to stay or not to stay the proceedings of sale and these orders say that if twenty times of the price of the reduced profit of the village is offered, then the same should not be stopped. I submit that the reduced profit is now half of what it used to be before, and consequently ten times the price of the profit should be accepted as sufficient. I think that these orders are not very much effective, and it is for this reason that I think that the Government should lose no time in bringing up the needed legislation at a very early date.

The Council was then adjourned at 1.30 p.m. for lunch

After recess the House re-assembled at 2.20 p.m. with the Deputy President in the Chair.

Rai Bahadur Babu Vikramajit Singh : Sir, this is the first time that I have come to the rostrum to speak. I have always been speaking from my seat, but a highly placed lady visitor from the distinguished visitors' gallery told me that she could not hear my speech distinctly when I spoke from my seat and certain other visitors from the galleries told me that the speeches of the members of the Council were not heard at all in the galleries

The Deputy President : But the galleries are empty today.

Rai Bahadur Babu Vikramajit Singh : Probably this is the reason why the galleries are empty today. The speeches of the members of the House are not heard there at all. So, Sir, I think that as the acoustics of this Chamber are very bad, some immediate steps ought to be taken to rectify this defect, if the idea is that the members of the public should also be able to hear the speeches of the members of the House. The only economical method that I could think of is to instal loud speakers, because every other method would be expensive and probably it would not be found feasible to spend, in these days of financial stringency, a heavy sum in order to improve the acoustics of this Chamber. Therefore, I think, Sir, that the Government will take the necessary steps in this direction.

Coming to the present budget, I may say at once that the budget is very gratifying to me and I extend my congratulations to the Hon'ble the Finance Member for the same. The budget shows that the Government have made genuine efforts to control the expenditure and to improve the income of the province. This is the real reason why I am extending congratulations to Government. This also shows that the heart of the province is sound, that the finances are sound, and that if those finances are properly controlled and managed we will be able to pull through easily. It is not a fact that the provinces are inherently insolvent. The finances of the province could be

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improved by care and thought, and it appears that the Government during the last twelve months have been giving their special attention to improve the finances and to control the expenditure. The Hon'ble Mr. Blunt ought to be congratulated for tackling this question strenuously and strongly during the last twelve months. After two years of very bad budget, we have now come to a budget which according to the Hon'ble the Finance Member, is a surplus budget. Last year we were told that by the end of 1932-33 there would be a deficit of 2½ crores and that by the end of 1933-34 there would be deficit of three crores. It is very gratifying to find that the deficit has been considerably reduced, say, by 98½ lakhs, as has been pointed out by the Hon'ble the Finance Member. This I consider to be a very satisfactory feature of the budget. After all the forecast which was very gloomy last year has been changed and finances considerably improved. This has made our position better than what was feared last year. But before dealing with the other aspects of the Budget, I will deal with one question which has been prominently put by the Hon'ble the Finance Member in his opening speech and which he has called a calamity. So, we will first deal with that calamity, viz. the impending retirement of Mr. Teyen. The Hon'ble the Finance Member has paid glowing tributes to Mr. Teyen and he has voiced the feelings of all the members of the Council in doing so. We have all appreciated the industry, the talent and the ability of Mr. Teyen. Above all, he has been very helpful to the non-official members of this House. Having worked with him at close quarters in the Retrenchment Committee I can say that he has always placed his cards on the table before the non-official members and given them every possible assistance. Without his assistance it would not have been possible to carry through the labours of the Retrenchment Committee to a successful issue. Therefore he is entitled to our best thanks. But I find that in the year 1931 in the Budget debate, we were congratulating Mr. Teyen as well as the Government on appointing him as Finance Secretary and now, only two years after, we find that we are called upon to bid him good-bye. This I do not think is really very satisfactory. I do not know if the Government with all their resources are not able to retain the services of Mr. Teyen, at any rate, till the new constitution is introduced. I know that the rules of business are sometimes suspended and on the same analogy I say that the rules of service ought to be suspended in the case of Mr. Teyen, and as Mr. Teyen is physically very fit and can give another two or three years of service, there is no reason why the Government should not suspend the rules of service and make it an exception in his case and retain him for another two or three years. That I think will meet the wishes of the members of this House in a very large measure. When I say that his services ought to be retained and he should be kept as a Financial Adviser till the new constitution is introduced, I mean no disrespect to Mr. Sathe. We all know he is a very capable officer and belongs to the Indian Civil Service where they are supposed to know everything and consequently I do not mean to suggest that he will not be a success as a Finance

Secretary. But we want the knowledge and experience of Mr. Teyen which he had for years and years having worked in the Finance Department and that his services may be retained for the benefit of the Council and the Government. I hope the Government and the Hon'ble the Finance Member will pay attention to this part of my request.

With regard to the Budget itself, I will first take up a few of its very satisfactory features. The first satisfactory feature that I find in this Budget is with regard to the Famine Relief Fund. It now appears that the assignment which has to be made by the provincial Government every year is over. The fund has reached its climax and consequently it will not be necessary to contribute any more of this fund year after year. What I have to say with regard to this particular fund is whether it will remain a dead account in future because during the last 36 or 37 years, I find that there have been two famines, one in the year 1896 and the other in the year 1908, and if the rules are so rigid that this fund is to be operated upon only when there is a provincial famine, then in that case this famine relief fund account will remain a dead account. My submission is that the rules ought to be so framed that the Government may be able to give relief to the agriculturists as well as to the zamindars when the necessity arises, from this particular fund in difficult years. We may be in a position to at least use the interest from this fund and also portions of this fund during the period when there is no actual famine, but when the exigencies of the situation require that for the relief of the agriculturist or for the relief of the zamindar, a sum ought to be taken out of this fund, I think, Sir, it will be possible for the Government to frame certain rules to meet that contingency. The rules ought not to be so rigid; they ought to be flexible, so that this fund may be able to help the provincial revenues to a certain extent in years of difficulty.

Another satisfactory feature of the budget is the central road fund, which has been established and which has got now Rs.14 lakhs. Now, Sir, this fund ought to be able to relieve certain revenues of the province. This fund too which is helped by the Government of India should not be treated in such a manner as to remain merely an exclusive fund and not be able to help the provincial exchequer so that the roads of the province may be improved out of this fund and a certain amount of this fund may be in a way helpful to the provincial revenues. We know, Sir, that during recent years most of the provincial roads have been considerably improved, but there are still parts of the roads which require attention and the roads which are under the charge of the district boards are in a very deplorable condition. Those roads require special attention. Therefore, it is necessary that some help in these directions may be taken from this road fund. These days ordinary roads, ballast roads, are not considered to be suitable, they ought to be bitumen roads or surfaced roads which keep off dust, as motor traffic and bus traffic is increasing day by day. Consequently unless the roads are surfaced, I do not think that they will be able to serve a useful purpose and will be able to keep down the dust. Consequently, improvement in this direction may be taken in hand and help from this particular fund may be utilized. Another satisfactory feature of this budget is the grant of Rs.52,000 which has been made

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for researches into rice, experiments connected with cotton and veterinary investigation. Now, Sir, we spend every year money under the agricultural head on some of these improvements. Consequently this Rs.52,000 ought to be able to relieve the budget of the Department of Agriculture to that extent.

Another satisfactory feature is the closing down of the United Provinces Development Loan Fund which stood at Rs. 4,20,00,000 and now it has been reduced to Rs.2,50,00,000 and it has given a surplus of 9 lakhs to the Provincial Revenues. This, I think, has been very satisfactory. Having pointed out the satisfactory features of the budget, there is one thing which I wish to lay before the House, namely a very unsatisfactory feature of the finances under the reformed Council. My submission is that when the reformed Council came into existence, there was a closing balance of 88 lakhs, according to the historical survey, in the possession of Government. But what do we find as soon as the reformed Council was instituted? In the very first year we spent a crore and 47 lakhs more than our revenues, so that the whole of 88 lakhs of the closing balance was wiped off and the provinces were indebted to the extent of about 59 lakhs in the very first year under the reformed Council. Now, can that be considered to be a wise move when we spend more money than we really raise from our revenues? I think, Sir, it is absolutely necessary for every Government in framing a budget to see that we do not exceed our income, and if that had been seen at the time when the reformed Council was instituted, then we would not have been in such a bad position. The same thing happened year after year. It might be said that during the first six years of the reformed Council Government had to pay a contribution of two crores and 40 lakhs to the Government of India. That is true, but all the same, according to the historical survey, we find that there was a certain amount of spending power of Government over and above the expenses that used to be met by Government in the pre-reformed days. But it appears that the expenses went beyond any limit, and the result was, as has been pointed out by the Honble the Finance Member, that 15,553 lakhs was the revenue and 15,846 was the expenditure during a period of ten or eleven years, which left the deficit at Rs.293 lakhs and has been reduced by transference of a certain amount from the Development Loan Fund to 167 lakhs. Owing to an unduly heavy expenditure for several years, the result has been that at the end of eleven years we find ourselves with a huge deficit of 167½ lakhs, although after the first six years the contribution by the Government of India was remitted and we had the benefit of 240 lakhs every year. If we had controlled our expenditure properly, then we would, during the last seven years, have been able to retrieve our position considerably. There is no doubt, as has been pointed out, that there were two bad years 1924-25 and 1929-30, but leaving aside the two bad years there were other normal years; and I think there was no justification for spending sums to that extent and going beyond the revenue. That, I submit Sir, seems to be the real reason why the financial position of our provinces is not so good as it should have been otherwise. It is a matter of satisfaction that these things are now being properly looked into, and I think, Sir, the Council

is indebted to the historical survey which has been presented for the last three years and which gives at a glance the entire financial position of the province. In fact the historical survey has given us eyes to see as to where the defect lies in the administration. But for the historical survey it would have been very difficult to spot out the weak points in the administration of finances. But now we can find exactly as to where the weakness lies and we find, Sir, that year after year we have been spending more money than we had from our revenues. That, I submit, has been an exceedingly bad policy, because as a result of that policy what does it show? It shows that with the reformed Council for the last 11 years, we are leaving a huge deficit in our finances. As a matter of fact if the finances had been properly controlled we ought to have shown a surplus and not a huge deficit. However, Sir, we ought to see to the future. The Hon'ble the Finance Member has told us that we should not cry over spilt milk and if I lay emphasis on this point, it is for this reason that the Government may in future be able to exercise better control over the finance and should never exceed the expenditure than its income. I further throw out a suggestion that it is necessary for the Government to build up a reserve for the future. If year after year a certain amount is earmarked and kept in a reserve fund then in lean years we can draw on that reserve and Government will not find its position difficult in order to pull through its expenditure. Further, Sir, my suggestion is that the Government should try to build up a reserve for future years as soon as its finances are in a position that they are able to save some money for building up a reserve. Honourable members will also see that present position which appears to have been improved is principally due to the excise revenue. Now, Sir, we find that the excise revenue from a crore of rupees went up to 118½ lakhs in the revised budget of 1932-33 and it has now been budgetted at 130 lakhs. This point has again been raised today by certain honourable members who have spoken before me with regard to the system which has been responsible for raising the revenue. Sir, those who favour surcharge system, it appears to me, only go after an idea, they only rely on a theory. It does not appear that there are any facts and figures behind that idea at all. So far as the finances are concerned the surcharge system, it appears, has proved a curse. If you were to look to the figures for the past several years during which the surcharge system has worked, you will find that the province has lost a very large sum of money on account of the introduction of that system. If the other system had worked, the provinces would have gained, but now it is said that the auction system will lead to immorality and to an increase in the drink habit

Rai Bahadur Thakur Hanuman Singh: What does the Government care for it?

Rai Bahadur Babu Vikramajit Singh: and therefore we ought to continue or to go on with the surcharge system. I submit that although this surcharge system has been in existence for the last ten or eleven years, it does not appear that it has put the provinces on the highroad to total abstinence, and if there has been no improvement in that direction, I do not see why the Government should lose its revenue

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on the one side and continue a system which does not in any way put the provinces on the highroad to total abstinence on the other side. As some of the previous speakers have said and I join with them, I am in favour of prohibition and total abstinence and I submit that there is some virtue in that system. If you have total abstinence and prohibition, you certainly give a benefit to the province, you try to make the people moral, but if you do not have total abstinence or prohibition, then in that case you merely lose your revenue without giving any benefit to the province. My friend, Khan Bahadur Hafiz Hidayat Husain, did not seem to favour the auction system and he seemed to be for the surcharge system. I waited to see if he advanced any arguments in favour of his contention but I have not been able to find either today or in the previous debate any facts and figures to make me change my opinion on that point.

Rai Bahadur Thakur Hanuman Singh : How many facts and figures have you quoted in your speech just now ?

Rai Bahadur Babu Vikramajit Singh : It is not necessary. My honourable friend who has just interrupted me does not seem to understand that if there are two systems and if one system brings more money to the Government, the onus lies on the other party who says that you should have a system by which you are financially a loser. I say that if under the surcharge system you are financially a loser, the onus should be on that party to establish its case. So far as our side are concerned, they show that by this system you are getting more revenue and at the same time we say that you are not in any way favouring or encouraging the drink evil. Therefore the point is whether the advocates of the system of surcharge who want to bring back that system have been able to put forward any convincing arguments in support of it.

I know, Sir, that the honourable member for Partabgarh who is not here today made a very vehement attack against me when I spoke in support of the auction system.

Raj Bahadur Thakur Hanuman Singh : You are taking advantage of his absence.

Rai Bahadur Babu Vikramajit Singh : Not at all. (At this time Mr. C. Y. Chintamani entered the Hall). Here he is. He tried to attribute motives to me because I held views different from him on that point. I submit that I am not going to degrade myself to that level to make a counter-attack.

Mr. C. Y. Chintamani : Hear, Hear.

Rai Bahadur Babu Vikramajit Singh : I will simply rely on facts and arguments which are more eloquent than vilifications or abusive attacks on an adversary. Now, Sir, my submission is that if the Minister honestly believed that this method did not in any way go against the temperance movement or increase the drink evil and at the same time brought additional revenue to Government, which was helpful in reducing the deficit, I think the Minister ought to have been praised rather than condemned by anybody. If you were not to encourage a Minister who does a

good thing, that will not be helpful to the administration. If a Minister has worked well, he has improved the finances of the Government, his work ought to be commended rather than condemned. I should think, Sir, that the Minister in exploring the avenues for increasing the revenue without in any way causing harm to the temperance movement has rendered good service to the province as a whole and not in any way acted so as to deserve condemnation of his action. It appears that the Ministers, and the Ministry as well as those who may have the remotest chance of becoming Ministers are on nerves of the member for Partabgarh. However, Sir, I leave him to form his own opinions. It appears that he has not been able to reconcile himself with the Ministers when they are in office. I do not know, Sir, but if that is the position, I think he should not have resigned ministership himself.

Rai Bahadur Thakur Hanuman Singh: He resigned on a matter of principle.

Rai Bahadur Babu Vikramajit Singh: We are, however, not concerned with these phases here. We are only concerned with the question whether this surcharge system which has now been given up and against which the Council has given a clear verdict should again be reverted to. I think, Sir, that will be a gross mistake, because this system has not proved helpful in any way and unless and until we find that the Council is in favour of having total prohibition or total abstinence there is no fault in continuing a system which the Hon'ble the Minister thinks is useful and which as a matter of fact has proved helpful to the finances of the province. Sir, I do not think that the Government were right in restoring the cut of 5 per cent. in the salaries of Government servants. By restoring this 5 per cent. the provincial revenues have lost no less than 20 lakhs, which is not a small sum to be despised. As a matter of fact if this had been continued for another year the province would have been able to balance their budget even in the next year in a much better way. One honourable member said that as the cut of 10 per cent. in pay has been reduced by 50 per cent. therefore the court-fee should also be reduced. I do not agree with him on that point. The idea of that taxation was that in the next two years the finances of the province will be put on a much better footing and it was also believed that the cut in salaries will also be continued for two years. But unfortunately it appears that the cut in the salaries has been reduced. By this method we have lost 20 lakhs and I am very sorry for this decision of the Government.

Sir, on the question of the abolition of certain high posts or amalgamation of certain posts about which the sanction of the Secretary of State was needed, I do not think that the Government have been very active, as has been pointed out by the honourable the Deputy President himself. The matter has been debated for the last ten years in the Legislative Council with regard to the abolition of certain high posts. It has been brought home to the Government several times by resolutions in the Council, but it appears that the Government have not been willing to accede to the universal demand of the non official members of this House. It is to be regretted that the matter has not yet been settled by the higher authorities. I hope the Government

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will take strong and immediate steps to see that their word is redeemed. As the Hon'ble the Finance Member said that Government are as good as their word, I hope that will not be a question of the promises merely but those promises which have been made ought to be fulfilled at an early date. I find that year after year the members of this House have been speaking against the top heavy administration of the province and they have been trying to curtail by all means the expenditure, but they have not succeeded in that direction to any appreciable extent up to this time. I hope during the time of the Hon'ble Mr. Blunt we shall have the good fortune of seeing that our recommendations which have been unanimously made by the members of this House will be carried out.

It is a satisfactory feature that the Hon'ble the Finance Member is going to introduce legislation on the question of rent and revenue remissions. This has been a very vexed question indeed and I think the sooner this question is settled to the satisfaction of the zamindars and the agriculturists of the province the better it would be for the Government and everyone concerned.

Sir, coming to some of those departments to which money has been allotted, I submit that more money should have been allotted to the Education Department. The Education Department is very vigilant and careful and sees that no money is ill spent. It is absolutely necessary to expand education. Therefore to keep the old figures practically under the head of education is not very satisfactory. I would therefore point out, Sir, that as revenues have been made chiefly under Excise, which is under the same Minister who is in charge of the Education portfolio, it would have been in the fitness of things to allow at least the increased revenue to the education so that the money would have been profitably spent under that head. Of course we feel that under the present financial stringency it would be really difficult to allow more money. But all the same I think that education has got a special claim and consequently the Government will see that more money is allotted to education. Sir, for want of insufficient funds to the Education Department we find that many very deserving institutions are not getting the help that they should receive. As a matter of fact the helps were promised to certain institutions and I am connected with an institution at Cawnpore—Bishambhar Nath Sanatan Dharma Intermediate College, to which a sum was promised several years ago and year after year we have been told that the money will be paid to that institution for the second instalment for the building, but it appears that promise has not been carried out by the Hon'ble the Minister for Education who unfortunately at this time is not in his seat. Sir, with regard to reducing the expenditure on the services my suggestion is that for all-India services for future entrants a maximum salary may be fixed and that maximum should not exceed except in the case of the head of the province over Rs.2,500. I do not quarrel at the minimum salary at which they start, but so far as the maximum salary goes I think Sir, if the maximum is kept down we will be able to save money and make a permanent saving from the salaries and to a certain extent the expenses of the administration of the provinces will be

reduced. Therefore I would submit Sir, that the Government may give its due consideration to this suggestion that the future entrants of the all-India services the maximum salary, except in the case of the head of the province, should not exceed Rs.2,500. If, Sir, a salary of Rs.2,000 is considered sufficient for the Hon'ble the President who is one of the leading men of the province, I do not think, Sir, that the salary which I am proposing of Rs.2,500 will be considered to be insufficient for the new entrants of the all-India services. With regard to the development of the industries I wanted to put forward one suggestion for the consideration of the Minister in charge of that Department, namely that Industrial Banks ought to be opened. It is known, Sir, that the present Banks—the Joint Stock Banks—will not advance money to the people on machinery and building. They usually advance money as against stocks. We find from our experience that when people start factories or float companies they spend most of their capital in putting up buildings and machinery. And therefore it is necessary that some capital ought to be forthcoming in order to run the factory. Consequently if the Government were to establish industrial banks they will be able to finance some of these deserving industries. I submit, Sir, that the future of the province depends on the development of industries.

One honourable member spoke with regard to the travelling allowance of the members of Council. The travelling allowance of the members of Council was reduced by the Retrenchment Committee, it is not really with a view to monetary gain in travelling allowance that this suggestion has been put forward by the honourable member. It is a question of honour, dignity, and prestige. It does not appear that any legislature in India has made a reduction in the travelling and halting allowances of members of Council. The Legislative Assembly has not reduced them, and no other Provincial Council has reduced these allowances. The question is that the members of Council enjoy a certain dignity, prestige and honour. Whether that dignity and honour will be maintained. The amount is really a small one, and I do not think that it is a right move. Their allowances ought not to have been touched, but it was considered at that time that Government wanted money and consequently the members of Council voluntarily came out with that suggestion. I find, Sir, from the detailed estimates that the Government this year is not budgeting any money for the Naini Tal session of the Council. This appears to me to be in conflict with the assurance that was given by the Hon'ble the Finance Member. It was only last month that my honourable friend Saiyid Yusuf Ali moved a resolution on the subject, and it was consequently withdrawn on the assurance that there would be a session of the Council at Naini Tal. But we find from these detailed estimates that the idea has been given up. The Government will see that the assurance given by the Hon'ble the Finance Member is fulfilled.

There is one other grievance which I would like to ventilate, viz., that the district authorities, I am informed, in various districts are becoming very strict with regard to the grant of licences for fire-arms and they are cancelling licences for revolvers and other fire-arms. I do not think, Sir, that that policy is a correct one, inasmuch as licences are given to people who are entitled to hold them both on the ground of

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their status and on the ground of their loyalty. There seems to be no reason why Government should now change that policy. The reasons do not appear to be sound.

I find that the Government of India have re-imposed the stamp duty on cheques at the request or recommendation of the Provincial Governments, and it is said that the amount will be paid to the Provincial Governments. That shows that probably the Provincial Governments recommended that the duty on cheques ought to be re-imposed. I think, Sir, it is not in the interests of the commercial people that this duty should be re-imposed. This duty ought never to have been reimposed; but it does not appear from the estimates as to what amount has been provided for from this source of revenue. I hope that the Hon'ble the Finance Member will enlighten us on that point. There is one other point towards which I would like to draw the attention of the Hon'ble the Finance Member. From the perusal of the detailed estimates on page 211, I find that the actuals of land revenue in the year 1931-32 were 6 crores and 29 lakhs, while in the budget estimate for 1933-34 it has been put down at six crores. Further it has been stated that in the years 1931-32, 1932-33 and 1933-34 a sum of 1 crore and 13 lakhs has been remitted as revenue year after year. This, Sir, is not very intelligible to me, because in one year when there was a remission of 113 lakhs, the actuals were 6 crores and 29 lakhs while the budgeted item is 6 crores. Sir, it appears to me that if the Government will continue their effort towards controlling the expenditure and improving the revenue and will endeavour to obtain the sanction of the Government of India and of the Secretary of State to the abolition of certain posts, the finances of these provinces will in a very short time be put on a very satisfactory basis, and for all that has been done so far our best thanks are due to the Finance Member. But I hope that the Hon'ble the Finance Member will also see that the finances for the future years are improved so that when the province is handed over to the new constitution it is free from any debt or encumbrance.

Munshi Gajadhar Prasad : In these days of financial stringency and depression all round, I think that the Finance Department has achieved nothing short of a marvel in presenting the House with a surplus budget,—a budget which in the words of the Hon'ble the Finance Member himself shows that not only has an equilibrium been restored, but that there is a distinct substantial balance on the year's working. All our felicitations go to the Hon'ble the Finance Member as well as to his able and conscientious Secretary. But, Sir, may I add with great respect that any amount of felicitations and congratulations showered on him from this side of the House can hardly reach the level of self-satisfaction which an honest and conscientious worker feels when success crowns his effort after a hard toil; and then to this fact we must add the further fact that after three years this satisfaction has been reached. There are traces of this satisfaction in his statement throughout, and I can do no better than quote his own words: "The tide of misfortune is I hope beginning to turn and by the time that the new constitution comes into force, I sincerely hope that it will have ebbed and that the ship of State will once more be sailing

on a sea of prosperity." This, Sir, would give real satisfaction to the tax-payer and I think that now we are entering upon a new era when better times will be ahead. Now, Sir, speaking for myself I must confess that I would have been amply satisfied even if we had just enough to meet our needs or to put it in other words, if we had money enough to satisfy our legitimate minimum demands, and I think it is not always a matter of congratulation if one has to his credit a fairly big amount as a surplus. On the 8th of March, 1921, the then Finance Member speaking of arrears of progress that the province has got to make up proceeded with these remarks "With these arrears to make up and with the money available we should have failed in our duty if we had not provided for all the expenditure that can be profitably undertaken." Professor Bastable says the State that has a very large surplus is as ill-managed as one that has a large deficit. Professor Adams argues in favour of a deficit rather than a surplus. I am of course assuming that the money can be profitably spent and nobody who knows the needs of the province—clamorous needs on all sides, can possibly deny this. If the money cannot be profitably spent it ought to be returned to the pocket of the tax-payer by reduction of taxation, but so long as it can be spent it should not be hoarded. Now, Sir, we have the solid fact before us that we have a total surplus of nearly 22 lakhs. And I would submit that the nation building departments have naturally the first claim at least to a major portion of it. And among the nation building departments the educational needs of the province top the list and then come in other considerations for example considerations of health come in next. It is a well-established proposition and it is not necessary to go into detail to labour the point that every pie spent on education be it university, secondary or primary, is money spent in the right direction and is a distinct boon to the people of the provinces. I may just mention here briefly some needs of the Allahabad University. The work of the research scholars in the University has been highly spoken of by people in other parts of the country and even the report of the Director of Public Instruction paid a real tribute to it as we found last year. It is unfortunate that admission has been refused and is being refused to certain students on the science side who are anxious for admission and who are eager to take up research work. In all branches of science as we find in the University of Allahabad there is a real need for more accommodation and more apparatus particularly on the physics side there is a crying need for the addition of a block to the present physics theatre in the University. Sir, I never suggest for a moment that no amount should be spent on primary education but I would submit that the need of the physics department of the University is really emergent and if I am not mistaken the matter was brought to the notice of the Government for the last two or three years, or possibly more. As far as the primary education is concerned, I do not think that it would be proper to allow it to be starved, the more so as we find that education in the province in spite of the best efforts has not gone very far. I just quote from the report of the Indian Statutory Commission, Volume I, page 63:—"The Provincial Government reports that the Province is backward in mass education. The test of literacy at the last census was the simple one of ability to write a

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letter to a friend and to read the answer. Even so, only 3·7 per cent. of the total population were returned as literate, only 6·5 per cent. of the male population, and only 9 per cent. of that portion of the population which was 20 years of age or over. Among females only six in every thousand satisfied the test. These figures show how little the people are able to avail themselves even of such means as there are of acquiring information as to what is going on in the world outside their own immediate neighbourhood". Whether by means of expenditure or by means of giving more stress or by means of sending out instructions to the Municipal and District Boards the cause of primary education could be advanced the point is that it should anyhow be done. Indissolubly mixed up with this question we find another problem, I mean the question of health of the people of these provinces. I understand that a fairly big amount is being spent over the Public Health Department. But it is a matter of common knowledge to anybody who lives in a town that the articles of food supplied are never genuine and we find also at the same time that proper care of the articles of food is never taken. It may be possible probably in villages where the scientific methods of supervision have not yet penetrated to get genuine articles of food, but it is almost a rarity to find good articles of food in cities, and I would draw the attention of the Government particularly to that matter. Side by side with this, Sir, we find that the indigenous herbs and medicines which are being dispensed by people known as *attars* are seldom genuine, and they do cause a great amount of harm. It is necessary in the interest of proper care and protection of the two systems, I mean Unani and Vedic systems, to see that the medicines which they prescribe are properly dispensed and genuine articles are sold to the public. Apart from the question of their availability, if the medicine is not properly dispensed or a medicine other than the one prescribed is given to the people, I think the old name of the two systems will be tarnished. It is not only the person who is eager to purchase excisable commodity who is entitled to protection, it is not he alone that has a right to get genuine articles and unadulterated articles, it is other people also who have got a right to ask for genuine things. Unfortunately, a short while ago the honourable member who has just preceded me brought in the question of the surcharge system and the auction system. I cannot speak with personal knowledge on the subject, but from the opinions that had been read out in this House, opinions of experts, one could decide which was the correct view. However, as far as this question is concerned, I think the chapter had closed.

Rai Bahadur Babu Vikramajit Singh : Experts never agree.

At this stage the Hon'ble the President resumed the chair at 3.23 p.m.

Munshi Gajadhar Prasad : I am just informed that experts never agree. In spite of all my efforts I must confess that I have not been able to follow the learned dissertation delivered by the honourable member who preceded me. I think it would have been much better if instead of wasting his own time and trying to explain the technicalities of the thing to such lay people as myself, he could have

summed up the position in a couplet and said to the Hon'ble Minister and probably no argument would have been needed. With your permission I may be allowed to recite the couplet:

"Iqsam sharabon ki mat puchh pilata ja,
Saqi, tere mai-khane men jo hogi khari hogi."

I could have then understood the matter much better.

The Hon'ble the President: Who is the "Saqi" here?

Munshi Gajadhar Prasad: Of course, the Hon'ble Minister—The honourable speaker who preceded me could have said to the Hon'ble Minister just what I have respectfully submitted. The Minister would have been the "Saqi", and he could not possibly have found any fault with it.

Shaikh Muhammad Habibullah: It is only under the surcharge system that you get "khari".

Munshi Gajadhar Prasad: That is a matter of detail, anything in "Saqi's" *maikhana* would be good enough.

The first member who spoke this morning, I mean Babu Jagadeva Roy, made certain remarks about stamps and court-fees, and he suggested that the time had come when at least the fees that have been raised, could be lowered. I quite agree with him. The poor tax-payer who is fond of litigation is also entitled to see that he gets sixteen annas for the rupee. In this connexion, I wish to draw the attention of the House to the large volume of arrears of work pending in the Hon'ble High Court of the Judicature at Allahabad.

Rao Narsingh Rao: That is an old complaint.

Munshi Gajadhar Prasad: Whether it is an old complaint or new, the tax-payer who is now asked to pay the additional amount as court-fees, is all the more entitled to ask that his case should be decided as soon as possible. In connexion with this, it would not be improper to lay before the House certain facts and figures which were brought to the notice of this House in answer to a question asked on the 15th December, 1931. We find that as Appendix E. The number of cases pending in the High Court of Judicature at Allahabad and awaiting disposal on 25th July, 1931, was 1,372 First Appeals and 2,816 Second Appeals. The corresponding figure for the Chief Court was 112 First Appeals and 176 Second Appeals. I understand further, Sir, that in the High Court in the year 1932 the number of First Appeals filed was over 500 and in the Chief Court it was nearly 100. I speak, of course, subject to correction. I have put down these figures for 1932 to suggest that the number of cases that are being filed in the Hon'ble High Court at Allahabad is fairly large and with the number of judges that we have in the High Court at present it is not possible to cope with the arrears of work. I want to assure the House that it is no desire of mine to bring in the thorny question of the amalgamation of the High Court and the Chief Court. That is really a matter for financial experts to decide. Enough has been said on the floor of this House last year, and I assure the House that I would be quite happy if the people of Lucknow should have not only one but two Chief Courts, but I would submit at the same time that we should not shut our eyes to our own responsibility to the poor litigant and

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tax-payer, who finds that his cases which were instituted, according to this question in 1918, 1922 and 1924, were not decided till July, 1931. I am talking of first appeals alone.

Shaikh Muhammad Habibullah: We shall be glad if you have three High Courts in the Agra Province.

Munshi Gajadhar Prasad: Thank you. Then, Sir, we find also that the number of judges in the High Court increased from time to time as the work in the High Court increased. In the year 1920 the number of judges was seven, which was raised in May of the same year to nine. In 1926 it was raised to 11. On 1st January, 1929, this number was raised to 12. But there was a reduction of one judge in February, 1932. The present strength so far as I am aware is 11. If 12 districts could be allowed five judges, I think a tax-payer in the Province of Agra would not be far wrong if he insisted or if he prayed that he should have for 36 districts at least 15 judges.

Shaikh Muhammad Habibullah: What about the revenue of the districts? The number does not count.

Munshi Gajadhar Prasad: I am not in possession of figures and I cannot say as to what is the proportion of the revenue realized by the Government from the Province of Oudh and what is the actual amount of revenue realized in the Province of Agra. Nor am I in a position to suggest a proportion between the two. Now, Sir, there is another disparity to which I want to draw the attention of the House and that is a matter which relates to the question of original jurisdiction. The people of Oudh are very fortunate in having an original jurisdiction in their own Chief Court, a privilege denied in the Province of Agra because as is well known the High Court at Allahabad has got only appellate jurisdiction. A subordinate judge getting Rs.500 in the Province of Agra can deal with cases the valuation of which may be a crore, but here a subordinate judge cannot try cases the valuation of which is 5 lakhs. When the Oudh Courts Bill was introduced on the floor of this House the then Hon'ble the Home Member said that it was an experimental measure. I am not in a position to suggest whether the experiment has succeeded or failed. But in any case I would suggest that a litigant in the Province of Oudh has the good fortune of getting his cases tried by a judge getting Rs.3,500 on the original side, whereas a litigant in the Province of Agra has his cases tried—no matter what the valuation may be—by a judge getting Rs.400. Is he not entitled to ask that his cases should be tried by a judge of the High Court? If that were not possible because that is a matter of Letters Patent, is he not entitled to ask that cases of big valuations should be tried at least by a judge getting a salary in four figures, or that there ought to be a uniformity in practice as far as the two Provinces of Oudh and Agra are concerned.

Now, Sir, if the original jurisdiction, which is a creation of statute of this very Council, in the Chief Court, is removed, I think the appellate work alone would occupy the judges and they would be in a position to dispatch much more work. The two highest courts at Allahabad and Lucknow would do the same kind of work, and there would be no

occasion for any heart-burning. If, however, Government think that it would not be wise and proper for reasons sentimental or otherwise to withhold that boon, I would submit that that privilege should also be extended at least in some qualified measure to a litigant in the Province of Agra.

Now, Sir, there is one thing more, to which I want to draw the attention of the House, and that is that the amount of land revenue realized from the landowning class is in the neighbourhood of six crores. The landholder has to pay that amount to Government, whether he has or has not realized it from the tenant. The question of remission of revenue and rent is an old question, and it would be presumptuous to offer any opinion offhand on the question. But there is a feeling that no adequate remission of revenue has been made, as considered in relation to the amount of rent remitted. Apart from that, the difficulties of realization in the case of a private individual like a landlord are really great. He has not the huge machinery at his disposal which the Government has, and he naturally finds it very difficult to realize the amount of rent from his tenants. If he has not that amount of revenue with him, there is a writ of warrant, there is attachment and all the consequences that follow the non-payment of revenue. If he goes to any bank for a loan, it is impossible for him to get any sum because all banks that exist at present refuse to advance any sum on the security of landed property. The result is that the amount of land revenue is really collected or arranged for with great difficulty. The landlord has at last got to go to certain money-lenders, who too have recently become very strict, and dictate their own terms. The Government, I submit, should devise certain methods or think of certain remedies to help the poor landlord in his trouble or Government may make it a rule that money would be given only for the purpose of payment of land revenue in cases where such a necessity might arise, or in exceptional cases of dire legal necessity. However that would be a matter of detail and I only submit with great respect that this is a matter to which Government should give its best consideration. The landlords have always stood by the Government but I do not make this humble suggestion simply on that account. The responsibility for the payment of land revenue rests with the landowning classes and there are real difficulties to be got over. So this is a matter to which Government should give its best consideration.

Now, Sir, there is just one point to which I shall finally draw the attention of the House before I sit down. As far as the Court of Wards is concerned, there seems to me a great necessity that there ought to be at least a lady superintendent or a lady supervisor or a lady adviser to ascertain the wishes and needs of lady wards. The ladies have got their own advocate in the House and in ordinary circumstances, I should not have made this request and left the matter with that particular advocate. But I know of cases in which real matters were not brought to the notice of the higher authorities or reached in a mutilated state. The ward in a particular estate happened to be a lady and certain representation sent by her through her own agent never reached the higher authorities and were misrepresented and she had consequently to suffer. So it is necessary that her wishes should be ascertained directly as far as possible, particularly where

Munshi Gajadhar Prasad.]

there is a matter of some big estate and there are large states to be considered. With these few words I resume my seat.

Rai Bahadur Babu Awadh Behari Lal: Sir, it is a matter of great gratification that after 2 or 3 years of hard struggle the budget of the province appears as balanced. I fancy, however, that it is balanced on a sharp knife-edge and can lose equilibrium with a little touch. It has been balanced by forced economies and by forced up revenues and is not yet in a very satisfactory condition. The economies too are not stable. If the normal expenditure had been brought down by real reductions in the administration, that would be a permanent something. As it is, the activities of the beneficent departments like Education, Public Health and Industries have been unduly curtailed while jails and police flourish. The revenues too have been forced up by measures which are not helpful or beneficial to the people. We are compelled to pass Stamps and Court-fees Amendment Acts for increasing the duties on these necessary transactions. People are forced to go to courts. Expenses are already very heavy and this additional taxation makes the burden still heavier. All these are very unstable factors to balance the budget with. We in the Retrenchment Committee and this Council on the report of the Retrenchment Committee suggested measures of economy which have not been fully availed of. We suggested a revision of the cadre of several services and provincialization of several departments and amalgamation of others, only a part of which has been given effect to. The other parts are hanging with the Secretary of State and it seems to us that full pressure has not been exerted by the local Government and the Government of India to have those measures sanctioned by higher authorities. It seems that certain reports are still to go; they have not yet gone. There are matters in which the sanction of the Secretary of State comes beforehand. This was a matter in which the approval of the Secretary of State might have been obtained when curtailments were begun. Years have passed and no result has come out.

The Hon'ble the Finance Member indicates that in the Public Works Department there are certain economies within the power of the Provincial Government and for them a reduction of 1½ lakhs has been provided. I fear, to make curtailments in the Provincial Services without any decision about the Imperial Services would be going against the expressed wishes of this Council. We maintained from the very beginning that no cut in pay and no retrenchments should be made in the Provincial Services until similar retrenchments had been sanctioned for the Imperial Services. I think it would be a very disparaging policy to make retrenchments in the cadre of the Provincial Services in any department leaving the Imperial Services alone to take their course as the Secretary of State or superior authorities think best.

I would deprecate any such idea. I mentioned in my last year's speech and my honourable friend Babu Vikramajit Singh has asserted in the same strain that recurring expenses of the administration should correspond to the minimum and stable income which would be assured in every case and we should have a reserve for emergencies.

and whenever there is a surplus we should utilize that for any schemes or any works that may be considered necessary. If the expenditure of the province is equal to the revenue in bumper years, there are bound to be deficits every alternate year. This Famine Fund which has now been reduced to 55 lakhs was at one time suggested to be over 2 crores and we were afraid of leaving that big amount idle. The result is that the fund as it is at present is neither sufficient for famines nor can it serve as a reserve for emergencies. Even that fund used to be encroached upon for making up deficits. It is, however, a matter for gratification that this fund now again stands at full 55 lakhs and brings in some interest also. But if there were a bigger reserve for bad years and our normal expenditure had corresponded to the stable permanent income assured from revenues, there would have been no difficulty to meet bad years or contingencies like the one which is confronting us today. Several speakers have spoken about the excise system in which a change has been introduced by Government. I fear there have been some misunderstandings about it. The view of my party has been that illicit distillation of liquor has been so rife of late, the number of excise cases has so much increased, that the conclusion was inevitable that most of the liquor consumed in the country came from illicit sources and Government lost its legitimate revenue, although shops had been leased to respectable persons, who did not know the ways of the Pasis and those infringing the laws, and illicit distillation became rampant. The number of excise cases, which used to be about 400 when the surcharge system was introduced, now has gone up to 2,000. The members of the Council, who supported this change, were of opinion that this infringement of excise laws, which was taking place at a very large scale, could not be fought except by enlisting the Kalwars on the side of sale of liquor. If the shops were auctioned and Kalwars who had real interest in the sale of liquor were to come in, they would be able to counteract the Pasis and bring to light the offences of illicit distillation. If the Pasis at some places were making illicit liquor and selling it at eight annas a bottle, there was no reason why anybody would come to a licensed shop to purchase it for Rs.2-8 or Rs.3. It is absolutely necessary that the price of liquor should be lowered therein order to win over those addicted to the use of illicit liquor. So that lowering of price did not mean consumption of extra liquor but checking the Pasis from illicit distillation. It was only in order to achieve this object that the Council agreed to this change of system. I must make it plain that the increase of crime reflected no credit whatever on the Excise Department. If illicit distillation has increased, the Excise Department is responsible for it and must take the blame for it. It is its duty to take all possible measures to stop illicit distillation. It is no credit to the Excise Inspector if in his circle illicit distillation is going on and he is not able to detect it. It is no credit to the Police Inspector if illicit liquor is manufactured in his circle and remains undetected for years. The Excise Department and the Police together must exert to their utmost to stop illicit distillation and for the time being utilize the services of these Kalwars who are taking up these shops in auction. But after that when illicit distillation has been stopped, probably then it will be time to reconsider the

Rai Bahadur Babu Awadh Behari Lal]

position whether we should revert to the surcharge system or to adopt any other system that would have the desired effect of removing every possibility of illicit distillation. It was never the intention that cheap liquor be provided at each drinker's door or to give facilities for increasing the drink. The policy of putting impediments in the way of drink in order that habit of drink may be curtailed gradually till absolute prevention be possible was in my opinion a wrong policy. Habits can never be eradicated piecemeal like this. Those who are habituated to drink will find some way to get the drink. If licensed liquor is not available within their means they will find other means to drink. As long as people are in the habit of drinking, are accustomed to drink, consider it a virtue to drink, they will continue to drink. There are castes in which people drink when they carry a dead-body to the burning ghat, while there are others who drink on religious festivals and on social functions. So I say that until the temperance propagandists and reformers are able to create a public opinion in favour of total abstinence, there will be no reform. A philosopher once remarked that "habit" cannot be given up by bits. He took for example the word "habit" itself. If you cut off "h" a bit was still there, if you cut off *a*, the bit is there, if you cut off *b* the whole of *it* is there and if you remove *i* replacing it by an apostrophe '*t*' is there still. So a habit cannot be given up bit by bit but it must be stopped with rigour and completeness. So there is some sense in total prohibition and then it may be possible, if the tendency is overcome, to stop the consumption of liquor altogether. But these means of putting impediments in the way of drink, increasing prices to prohibitive extent, has not proved successful and will not, I think, prove successful.

In the matter of education I wish to point out to Government that our system is becoming out of date and does not fit in with the requirements of the times. University education, of course, learning of arts and letters is a very good thing, but it does not provide a man with means of livelihood as it used to do in former times. I think the ideal of education is to make a man perfect to carve out his own way in the world and to give a lead to his fellow brothers, to be a good citizen and to help others. I think it is not serving that purpose now. The system of education will have to be altered. The graduates of our Universities are now the most disappointed and discontented people in the world. When a resolution dealing with non-employment was moved and discussed in this House I at that time spoke rather forcibly that Government was creating all these graduates as a lot of discontented people who will prove at one time a danger to peace and order. I thought I spoke rather too strongly but I found later on in the speech of His Excellency the Governor of Bengal that he thought that the unemployment of the educated was at the root of the anarchist movement in Bengal. I fear if this unemployment is left uncared for it will lead to similar results here in this province also. So the system of education ought to be modified and modified to a considerable extent in order to meet this ideal of enabling our educated people to carve out their way in the world, and to give a lead to their brothers. One might suggest that it should be vocational education

leading to the development of cottage industries. I always urge the Minister of Industries and Education to bear in mind the goal of industrialization of India. Until our young men divert their attention from letters and sciences towards the attainment in arts and crafts to carry on some vocation like manufacture of something or employ themselves in certain industries they cannot get on. They should take that as their chief profession or nothing will come of it. We give them a little training in carpentry or other work but they do not get efficient or as efficient as a carpenter who has learned the trade from his boyhood. So these have not proved efficient nor have our students trained at these institutions been able to earn a living or to adopt that as a profession. I visited certain industrial schools and tried to find out what the boys turned out from those institutions were doing and was disappointed to learn that very few took to that profession which they were trained for. Even boys coming out of carpentry schools were hankering after some sort of service. I do not know what kind of service they could seek except as a carpenter of which they were a poor specimen. If they had money they could start a carpentry shop employing professional carpenters whom they could supervise better than laymen. At these institutions they did not attain the efficiency that is necessary to fit a man for the profession. It has also been discussed that remissions of rents and revenue have not been adequate and people are not contented. I fear it is a very complicated proposition. I think, Sir, there ought to be between the zamindars and tenants a clear understanding and an adjustment of rents, otherwise the zamindars cannot expect to remain leaders of the cultivators or have the following of the tenantry behind them in the future Government of the country. I think the measures which have been adopted of late years by giving large remissions to tenants and then jumping upon the zamindars to realize the full amount of revenue have reduced the latter to a condition as bad as that the congress could dream to achieve, if it had a hand in the matter, after years and years of effort. I think that the remissions allowed to tenants amounted to about six annas of rent and remission of revenue came up barely to two or three annas in the rupee, but while a zamindar realized only half of the reduced rent he had to pay the revenue in full, the result is that the income of zamindar has been barely 20 or 15 per cent. and the Congress could not have done worse. Their aim was to substantially reduce the rents of tenants and to reduce the emoluments of the zamindars to a bare 15 or 20 per cent., and it is in this condition that the zamindar stands now. I think that if the Government has any consideration for zamindars they should help to bring about an adjustment between zamindars and tenants and fix up a proper basis for their revenue and for the zamindar's profits, and until this adjustment is made the zamindars and tenants will not pull on together. I have spoken to many of my zamindar friends, but they do not seem to realize the position. We are giving remissions to tenants, but this remission cannot be a permanent feature. If based on prices alone there was justification for this reduction, when prices ranged at 16 or 18 seers to the rupee but the prices are now 10 or 10½ speaking in terms of wheat and yet the same remission is given to them because we find that the tenants are unable to pay and have

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lost their credit with the money-lender. They cannot borrow the same amount of money as they used to do and they cannot go on without it. Until their rents are adjusted and adjustment made between the Government and zamindar and tenant no stability would come about.

The Council was then adjourned at 4.10 p.m. till Tuesday, the 7th of March, 1933.

APPENDIX A

(See page 256, supra)

Copy of statement referred to in answer to question no. 10 of the 28th February, 1933, asked by RAI BAHADUR THAKUR HANUMAN SINGH

Copy of remarks recorded by KHAN BAHADUR M.A. BABI SAHIB, M.L.C., on the occasion of his visit to the District Jail at Meerut, on the 22nd November, 1932

I visited the jail this afternoon and went along with the Jailer to the condemned cells and other places. There was no complaint whatsoever and I found all the places scrupulously clean.

Copy of remarks recorded by BABU KUNJ BIHARI LAL, Non-Official visitor, on the occasion of his visit to the District Jail at Meerut on the 28th December, 1932

Remarks by the visitor.

I, as a non-official visitor, visited the Meerut Jail today, and saw some of the departments, e.g., the Cooking House, the Hospital, and Female Ward and the department of Industry. The total strength today was 1,056, surely much above the normal. The total is given below :

1. Convicts	..	Males	838	Females	3
2. Undertrials	..	"	189	"	1
3. Civil	..	"	33	"	0
4. Lunatics	..	"	2	"	0
Total	..		1,052		4
GRAND TOTAL	..				1,056

I think, some of the convicts should be transferred to other jails. I also had a look at the undertrial prisoners and found that the cases of Lachmi, Jawala and Chotey under Section 110, Cr. P. C. and 304, I. P. C. have been pending since the 18th September and 18th October, 1932, and have not yet been disposed off by the learned Joint Magistrate. He may be requested to dispose them off as soon as practicable. There is one more case of Magbool under section 107, Cr. P. C. in the court of Mr. Panth. The case being long overdue, the court concerned should kindly dispose it off as soon as possible.

The cooked food was found up to the average. The patients in the hospital are making satisfactory progress. There are two T. B. patients in the hospital and a separate arrangement should be made for them in order to prevent contagion.

The clothing and bedding are in good condition and at the same time adequate. The general health of the prisoners seemed to be good. The inmates looked healthy and cheerful and had no complaints to make.

There are four condemned prisoners in the Solitary Cells. They looked cheerful and contented with their lots. The discipline was all round good. The buildings were quite neat and clean. Hapur Embezzlement case is awaiting orders on their application for transfer, pending before the High Court otherwise it ought to have been decided by this time.

The credit for all this goes to the staff concerned.

KUNJ BIHARI LAL,

MEERUT :
The 28th December, 1932.

Non-Official Visitor, Meerut.

Copy of remarks recorded by KHAN BAHADUR MOHAMMAD ABDUL BARI SAHIB, M.L.C., Non-Official visitor of Meerut Jail, on the occasion of his visit to the District Jail at Meerut on the 14th April, 1932

I visited the jail today and went round it with Major Clyde. There are six convicts in the condemned cells. I enquired if they had any complaint their reply was no. In barrack no. 11 there are 7 undertrials of A and B class. They have no complaint. Buildings are scrupulously clean and in good repairs. Proper and decent facilities are provided for latrine, ablution and bathing purposes.

Habituals are kept apart from casuals. Juveniles are kept separate from adults by day and by night. Undertrials are properly clothed and cleaned and enjoy all reasonable facilities for communicating with their friends and legal advisers.

Kitchen was clean and free from flies. Food is satisfactorily prepared and the quality of food is good. I ascertained from the prisoners about the quantity of the food they receive. They are quite satisfied with the quantity.

Clothing and bedding in good condition, clean and adequate. I also visited the factories and found the quality of the work good. The patients in the Hospital are comfortable and receive all attention and provided with mattress, pillow and sheet. The water-supply in the jail is adequate.

Garden is in good condition and the supply of vegetable adequate. I ascertained from some of the prisoners system of remission and they told me the amount of remission at their disposal. I examined the punishment register of prisoners and found that the punishments awarded are such as are sanctioned by the Jail Manual. I had a talk with some of the prisoners awarded punishments and from their talks and behaviour I found them impertinent and rough and I can say they were justly punished. Jail discipline is good and the credit is due to the jail officials.

M. A. BARI,

Dated the 14th April, 1932.

Non-Official Visitor.

Copy of remarks recorded by SIR SITA RAM, President, Legislative Council, United Provinces, on the occasion of his visit to the District Jail at Meerut on the 5th May, 1932.

I am much obliged to the Superintendent, Meerut District Jail for having taken me round the jail on the 5th May. The Jailer too was all along with us. I was given opportunities of talking alone with such Congress prisoners as desired to do so.

2. The jail is overcrowded, about 1,100 being accommodated in a place normally meant for about 750. The A and B class people were together and seemed to be happy on the whole; they have been given permission to sleep out, have books to read and newsmaking and gardening as labour. As regards the C class people I should like to put down what struck me as harsh and which is according to my reading, against article 618-(v) of the Jail Manual. I saw about a dozen (11 perhaps) of these undergoing a punishment of standing handcuffs; several of them had cross bar fetters on at the same time. In barrack no. 4 out of 20 inmates in separate or cellular confinement 15 were Congress men; there were more in barrack no. 5. Several of these had cross bar fetters. Superintendent told me that an influx of some men from the Lucknow Camp jail had spoilt his discipline for the time being. But I suppose rules are rules. A number of men with cross bar fetters had no gaiters. I do not believe that they were supplied but were thrown away. In ordinary circumstances it would seem reasonable if new entrants are allowed to settle down a bit before being given punishments for jail offences.

3. A large number of C class Congressmen had crossbar fetters for safety: several had *lat* clo thing, short labours and disobedience of orders of jail authorities are responsible for many punishments. As to short labour I suggested to the Superintendent to consider the feasibility of reducing labour in the case of educated men not used to such labour and of arranging a large number to complete the task by shifts. As to disobedience, refusal to hold the ticket in both hands at weekly parades is the main cause. This is considered a humiliating posture. The Superintendent gave me the *raison d'être* of it. But whatever it might have been in the past or may be in the case of dangerous criminals, I consider a modification of it is desirable as it will minimize such occasions of disobedience.

4. Whether the grinding of corn or the drawing of water is a labour on which people of the Congress school of thought should be ordinarily put on is for the earnest consideration of the Government. Personally I think it should be possible to avoid it in many cases. Plying the oil-mill is a very inhumane sort of work for men as I have been saying for several years now.

5. The Superintendent agreed to redress the grievances of the "C" class prisoners regarding latrine, accommodation and the supply of books.

6. I am looking for an early release of the old and the infirm men under confinement. I have verbally asked for the transfer of the only two lady prisoners to "B" and have spoken in the proper quarter about the transfer of some males from "C" to a higher class.

7. The following are the complaints of some Congressmen:—

(a) One Sahib Singh was on hunger strike and two prisoners Sarjn Prasad and Ram Kripal complained of their tufts having been removed forcibly because they refused to be close-shaven. Hindus generally object to closely shaven heads as a sign of mourning.

(b) One Radha Kishan under a sentence of 30 stripes (under appeal) whom I found in a cell and in cross fetters wanted permission to be able to take to the District Magistrate the grievances of the "C" class prisoners regarding their treatment or to have an enquiry made.

(c) One Ganga Narain complained of temperature in the afternoon and of loss of weight. Superintendent ordered a record of his temperature to be kept. He should be transferred to Sultanpur if suspected of tuberculosis.

SITA RAM,

NAINI TAL;
The 19th May, 1932.

President, Legislative Council,
United Provinces.

Copy of remarks recorded by Board on the occasion of their visit to the District Jail, Meerut, on the 6th August, 1932.

I went round the Jail this morning. Of the four non-official visitors, M. Mohd. Abdul Bari, Khan Bhadur, Chandhr: Randhir Singh and Babu Kunj Behari Lal were present, Mohd. Aslam Saifi, Khan Bahadur, being alone absent. I saw nearly all the political prisoners and certainly others also, and heard everything. any of them had to say. The total population of the jail is 1,122 including 17 females. The number of condemned prisoners is 3 who are kept in a separate cell and those (7 in number) in the hospital are only few as compared to the vast population. Everything in general gave proof of good discipline and the kitchen in particular bore the stamp of neatness and cleanliness.

Everyone seemed contented save against the Assistant Medical Officer who was accused of want of sympathy and lack of attention. In the female ward one woman complained to me that she had been suffering from fever for the last two days and had no medicine though the doctor had promised to send her some but never did. A political prisoner also complained that no ointment was given to him for a swelling on his thigh.

The cases of Bhola Ram and Jai Singh (Undertrial prisoners) are long over due and should be expedited.

In the female ward two political prisoners desire fresh fruits as their diet. I am not aware of the jail rules, but if it is permissible and feasible I recommend that they may be provided with fruits at their own expense.

The other matter to which they drew my attention was that the clothes which they said were given to them for sewing and stitching purposes smelt strongly. Outwardly they looked clean and washed out. If any improvement in that connexion is possible I recommend that it may be done.

The civil jail prisoners were outside the main building and their arrangement was likewise very good.

(Sd.) S. M. MIR,

For District Judge.

Nothing to add.

(Sd.) KUNJ BEHARI LALL,

Non-Official Visitor.

The 6th August, 1932.

I have nothing to add.

(Sd.) RANDHIR SINGH,

Vakil, Meerut.

APPENDIX B

(See page 356 supra)

Statement referred to in the answer to starred question no. 11, asked by MR. E. M. SOUTER, at the Council meeting on the 28th February, 1933.

Year	Assignment	Expenditure	Balance	Remarks
	Rs.	Rs.	Rs.	
1929-30 ..	* 5,29,718	Nil	5,29,718	*Includes March, 1930,
1930-1 ..	5,41,902	2,99,912	7,71,708	
1931-2 ..	5,82,379	2,83,253	10,70,834	
1932-3 ..	Nil	† 40,000	10,30,834	†Probable amount payable as compensation to contractor for stoppage of works.
1933-4 ..	Nil	† 1,85 000	8,45,834	†Represents expenditure proposed to be incurred.

APPENDIX C

(See page 363, supra)

Statement referred to in the answer to starred question no. 21 for the Council meeting of the 6th March, 1933, asked by RAI BAHADUR BABU VIKARMAJIT SINGH.

Statement of loans made by Government during the last ten years 1923 to 1932.

Date on which advance was sanctioned	Amount advanced	To whom advanced	Amount recovered	Amount written off	Balance to be recovered
1	2	3	4	5	6
	Rs.		Rs.	Rs.	Rs.
1. October, 1923.	10,00,000	Karundia Industrial Development Co., Lucknow	6,00,000	4,00,000	Nil
2. July, 1924	22,000	Allahabad Law Journal Co., Allahabad.	In full	Nil	Nil
3. November, 1924.	1,20,000	Shri Maha Luxmi Sugar Corporation. Ltd., Lucknow.	1,18,000	2,000	Nil
4. March, 1925	5,000	Central Co-operative Bank, Ltd, Tanda (Fyzabad).	In full	Nil	Nil
5. Ditto	5,000	District Co-operative Bank, Ltd., Bijnor.	In full	Nil	Nil
6. Ditto	4,000	District Co-operative Bank, Bareilly.	In full	Nil	Nil
7. April, 1925	2,000	Mr. Bhagwat Prasad Srivastava, Basti.	In full	129	Nil
8. Ditto	6,000	District Co-operative Bank, Agra.	In full	Nil	Nil
9. December, 1925.	80,000	Indian Bobbin Co. Ltd., Cawnpore.	Nil	Full amount of loan.	Nil
10. January, 1926.	10,000	District Co-operative Bank, Bijnor.	In full	Nil	Nil
11. March, 1926	10,000	Mr. Radha Krishna Bhargava, Muttra,	8,500	Nil	1,500
12. February, 1928.					
13. March, 1926	3,000	United Provinces Arya Central Co-operative Bank, Ltd., Lucknow.	In full	Nil	Nil
14. Ditto	300	Mr. Hira Lal Misra of Benares.	In full	Nil	Nil
15. Ditto	400	Mr. Hira Ballabah Pandya, Almora.	In full	Nil	Nil

Date on which advance was sanctioned	Amount advanced	To whom advanced	Amount recovered	Amount written off	Balance to be recovered
1	2	3	4	5	6
	Rs.		Rs.	Rs.	Rs.
16. January, 1927.	7,000	District Co-operative Bank, Kheri, Lakhimpur.	In full	Nil	Nil
17. March, 1927	1,000	Mr. U. N. Vatal, Cawnpore	In full	Nil	Nil
18. June, 1927	10,000	District Co-operative Bank, Agra.	1,296	Nil	10,000
19. December, 1927.	5,000	Central Co-operative Bank, Sandila.	Nil	4,500	500
20. Ditto	40,000	Mr. A. H. Mirza, Koorkee..	10,800	Nil	35,666
21. March, 1928	5,000	Mason Industrial Co-operative Federation, Bara Banki.	2,000	Nil	2,000
22. November, 1928.	40,000	Mr. I. D. Varshani, United Provinces Glass Works, Bahjoi.	15,533	Nil	34,469
23. January, 1931.	6,000	Messrs. Wali Muhammad & Abdul Razzaq, Agra.	1,336	Nil	5,000
24. June, 1931	8,000	Mr. Panna Lal Khandelwal, Lucknow.	Nil	Nil	8,000
25. September, 1931.	5,000	District Co-operative Bank, Bijpur.	1,250	Nil	4,000
26. March, 1932	10,000	Messrs. Mumtaz Husain & Sons, Ranikhet.	Nil	Nil	10,000
27. September, 1932.	15,000	Messrs. Shannon & Co., Moradabad.	3,375	Nil	12,500

APPENDIX D

(See page 364, *supra*)

Samples of the forms referred to in answer to part 2 of starred question No. 22 for the 6th March, 1933, asked by Mr. E. M. Souter.

Ganges Canal Hydro-electric Scheme

Proforma Accounts of revenue receipts and expenditure including indirect charges for the year ending _____

Dr.

Cr.

A.—Generation	Rs. a. p.	Rs. a. p.	Realizations	Rs. a. p.	Rs. a. p.
1. Fuel oil ..			1. Sale of electricity—		
2. Oil, waste and stores.			(a) To distributing companies.		
3. Operating staff ..			(b) To municipalities.		
4. Maintenance, repairs and petty renewals—			(c) To State Railways.		
(a) Buildings.			(d) To Cantonments.		
(b) Machinery and equipment.			(e) To other Government Departments.		
			(f) To Private consumers.		
			(g) To State Irrigation pumping installations.		
			(h) To State tube-wells.		
			2. Assessed value of energy used for departmental purposes.		
			3. Rental of meters and other apparatus.		
			4. Miscellaneous ..		
B.—Transmission					
1. Stores					
2. Operating staff ..					
3. Rates and taxes					
4. Maintenance, repairs and petty renewals—					
(a) Buildings.					
(b) Machinery and equipment.					
C.—Transmission					
1. Oil, waste and other stores.					
2. Operating staff ..					
3. Rents ..					
4. Maintenance, repairs and petty renewals.					
5. Machinery and equipment.					

Ganges Canal Hydro-electric Scheme

Dr.

Cr

	Rs. a. p.	Rs. a. p.	Realizations	Rs. a. p.	Rs. a. p.
<i>D.—General and Management Expenses.</i>					
1. Direction charges					
2. Establishment charges of Hydro-Electric Divisions.					
3. Rents and taxes..					
4. Publicity and Demonstration expenses.					
5. Compensation ..					
6. Telephone charges					
7. Losses on stock..					
8. Repairs, carriage and petty purchases of tools and plant					
9. Stationery, printing and other contingencies.					
<i>E.—Indirect charges</i>					
1. Leave and pension contribution charges					
2. Provident Fund Contribution charges					
3. Abatement of Land Revenue.					
4. Audit and Accounts charges.					
<i>F.—Depreciation</i>					
1. Depreciation as per depreciation accounts.					
TOTAL, EXPENDITURE			TOTAL RECEIPTS		
NET REVENUE (GAIN).			NET LOSS.		
Percentage of profits on capital.			Add interest charges..		
Deduct interest charges.			Total ..		
Total ..			Percentage of loss ..		
Percentage of gain..					

DEPRECIATION ACCOUNTS

POWER STATION

Power generating plant

Anticipated Life— 30 years Rate of depreciation — 2.5 per cent.

Year	Capital value at the beginning of previous year	Additions during the previous year	Total capital value at the beginning of year	Amount of depreciation debited <i>pro forma</i> to revenue account during the year	Balance of depreciation at end of previous year	Interest on amount shown in column 6		Cost of replacement during the year taken in deduction of depreciation balance	Net amount of depreciation at the end of the year column 5, column 6, column 7 minus column 8	Remarks
						Rate	Amount			
1	2	3	4	5	6	7		8	9	10

*Energy Cost Statement*Total Expenditure as per
Revenue Account.

- (1) Units generated.
 (2) Units supplied to _____
 (1)
 (2)
 (3)
 (4)
 (5)

(3) Total.

Units unaccounted for.

Percentage _____

Cost per unit utilized _____

Average return per unit sold.

APPENDIX E

(See page 366 supra)

*Copy of health certificate referred to in reply to starred question
 no. 32 for 6th March, 1933*

I do hereby certify that I have examined Lala Ishwar Dayal, a candidate for employment in the Judicial Department, and cannot discover that he has any disease, constitutional affection, or bodily infirmity. His age is according to his own statement, 23 years, and by appearance, about 23 years. Is vaccinated.

DATED ETAH:

The 19th September, 1903.

(Sd.) L. J. O'REILLY,

*Medical Officer in charge of
 Civil Station.*

APPENDIX F

(See page 367 supra)

*Statement referred to in the answer to starred question no. 37
 for 6th March, 1933*

Serial no.	District			Name of police station		Muslim or Hindu officer
1	Saharanpur	..	..	Mayapur		Hindu.
2	Meerut	..	..	Daurala		Hindu.
3	Etah	..	..	Soron		Hindu.
4	Bareilly	..	..	Kotwali		Muslim.
5	Budaun	..	..	Kotwali		Muslim.
6	Pilibhit	..	..	Kotwali		Muslim.
7	Fyzabad	..	..	Ajodhya		Hindu.
8	Benares	..	..	Kotwali		Muslim.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH

Tuesday, the 7th March, 1933

THE Council met at Council House, Lucknow, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (95):

The Hon'ble Mr. E. A. H. Blunt. The Hon'ble Captain Nawab Sir Muhammad Ahmad Sa'id Khan. The Hon'ble Nawab Sir Muhammad Yusuf. The Hon'ble Mr. J. P. Srivastava. Mr. J. M. Clay. Mr. C. St. L. Teyen. Mr. P. Mason. Mr. P. M. Kharegat. Mr. H. A. Lale. Mr. J. R. W. Bennett. Colonel H. R. Nutt. Mr. A. H. Mackenzie. Rai Bahadur Pandit Suraj Din Bajpai. Rai Bahadur Babu Phul Chaud Mogha. Khan Bahadur Saiyid Ain-ud-din. Mr. J. N. L. Sathe. Mr. S. S. L. Dar. Mr. Masud Ali Khan. Mr. S. T. Hollins. Saiyid Atadol Hasan. Mrs. Ailash Srivastava. Khan Bahadur Maulvi Fasih-ud-din. Mr. H. C. Desanges. Rai Sahib Babu Rama Charana. Mr. Perma. Rai Bahadur Babu Awadh Bihari Lal. Chaudhri Jagannath. Chaudhri Baldeva. Rai Sahib Shu Jwala Saran Kothiwalla. Mr. Tappu Ram. Chaudhri Kam Chandra. Chaudhri Ghasita. Rai Bahadur Chaudhri Raghuraj Singh. Chaudhri Arjun Singh. Kunwar Girwar Singh. Pandit Joti Prasad Upadhyaya. Chaudhri Dhirya Singh. Thakur Balwant Singh Gahlot. Rai Bahadur Mr. Brij Lal Badhwaz. Rai Bahadur Babu Manmohan Sahai. Babu Ram Bahadur Saksena. Lala Shyam Lal. Babu Kamta Nath Saksena. Kunwar Jagbhan Singh. Thakur Keshava Chandra Singh. Mr. Brijnandan Lal. Rao Narsingh Rao. Chaudhri Kam Adhin. Mr. Bhondur Ram. Chaudhri Bharos. Pandit Shri Sadayatan Pande.	Rai Bahadur Babu Jagadeva Roy. Mr. Dahari. Rai Sahib Rajeshwari Prasad. Thakur Giciraj Singh. Pandit Prem Ballesh Belwal. Thakur Jang Bahadur Singh Bisht. Rai Bahadur Thakur Hanuman Singh. Rai Bahadur Lal Sheo Pratap Singh. Kunwar Diwakar Prakash Singh. Thakur Muneshwar Bakhsh Singh. Rai Bahadur Kunwar Surendra Pratap Sahi. Mr. C. Y. Chintamani. Rai Rajeshwar Bali. Mr. Zahur Ahmad. Syed Ali Zaheer. Khan Bahadur Mr. Muhammad Abdul Bari. Khan Sahib Muhammad Maqsood Ali Khan. Shah Nazar Husain. Captain Nawab Muhammad Jamshed Ali Khan. Nawabzada Muhammad Liaquat Ali Khan. Hafiz Muhammad Ibrahim. Mr. Muhammad Rahmat Khan. Khan Bahadur Haji Muhammad Obaidur Rahman Khan. Khan Bahadur Muhammad Hadiyar Khan. Khan Bahadur Hafiz Hidayat Husain. Khan Bahadur Sheikh Ghulam Husain. Khan Bahadur Hafiz Ghazanfarallah. Khan Bahadur Saiyid Jafer Hosain. Shaikh Afzal-ud-din Hyder. Khan Bahadur Sirdar Muhammad Shakir-dad Khan. Khan Sahib Muhammad Imtiaz Ahmad. Raja Saiyid Muhammad Sa'adat Ali Khan. Shaikh Muhammad Habibullah. Raja Saiyid Ahmad Ali Khan Alvi. Raja Saiyid Muhammad Mehdi. Mr. L. M. Medley. Rai Sahib Lala Anand Sarup. Chaudhri Muhammad Ali. Thakur Rampal Singh. Rai Bahadur Kunwar Bisheshwar Dayal Seth. Raja Jagannath Bakhsh Singh. Mr. E. M. Souter. Rai Bahadur Babu Vikramajit Singh. Babu Gajadhar Prasad.
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QUESTIONS AND ANSWERS

STARRED QUESTIONS

Tuesday, the 7th March, 1933

FIRST AND SECOND APPEALS AWAITING DISPOSAL IN ALLAHABAD
HIGH COURT AND OUDH CHIEF COURT

*1. **Munshi Gajadhar Prasad**: Will the Government be pleased to state the number of first and second appeals awaiting disposal till 15th February, 1933, in the High Court of Judicature at Allahabad, giving the corresponding figures of arrears of work in the Chief Court at Lucknow also?

The Hon'ble the Home Member (Nawab Sir Muhammad Ahmad Sa'id Khan): In the High Court the numbers were 1,525 first appeals and 2,722 second appeals. The corresponding figures in the Chief Court were 198 and 408.

CHARGES FOR PRESCRIPTIONS WRITTEN BY GOVERNMENT PHYSICIANS
AND SURGEONS

*2. **Munshi Gajadhar Prasad**: Will the Government be pleased to state if it is a fact that the physicians and surgeons attached to the hospitals established and run by the Government are permitted to charge fees for prescriptions written and dispensed at the hospitals or operations performed on the patients in their hospitals?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf): The honourable member is referred to paragraph 87 of the Medical Manual, as amended by correction slips nos. 46 and 51.

Munshi Gajadhar Prasad: As the relevant portion of the rule is not quoted in the answer, will the Hon'ble the Minister be pleased to state whether the physicians and surgeons attached to the hospitals are or are not allowed to charge fees?

The Hon'ble the Minister for Local Self-Government: In certain cases they are. They are entitled to charge fees from the rich so far as operations are concerned; they are not entitled to charge any fees so far as prescriptions are concerned.

Munshi Gajadhar Prasad: Will the Hon'ble the Minister be pleased to state which are those cases?

The Hon'ble the Minister for Local Self-Government: I have already mentioned them. In operation cases they are entitled to charge fees from the rich people, but so far as prescriptions are concerned they are not entitled to charge anything.

Munshi Gajadhar Prasad: What is the criterion for stating whether a certain person is rich or poor?

The Hon'ble the Minister for Local Self-Government: I should think general reputation and common sense.

Pandit Joti Prasad Upadhyaya: Do not doctors generally abuse this rule?

(No answer was given.)

INSPECTION OF INDIGENOUS DRUGS

*3. **Munshi Gajadhar Prasad** : Will the Government be pleased to state if any provision is made for the proper inspection of indigenous drugs sold by *uttars* in dispensing the prescriptions of *hakims* and *vaidyas* in these provinces ?

The Hon'ble the Minister for Local Self-Government : There is no such provision, except in the case of poisons, which can be stocked and sold only under licence and inspection.

Munshi Gajadhar Prasad : Will the Hon'ble the Minister be pleased to consider the advisability of making provision for the proper inspection of indigenous drugs used in dispensing prescriptions given by *Hakims* and *Vaids* ?

The Hon'ble the Minister for Local Self-Government : I am very sympathetic towards the object, but I am afraid the financial limitations do not permit me to take any step in the immediate future to achieve the end.

Munshi Gajadhar Prasad : Will the Hon'ble the Minister be pleased to make a start in the near future, provided finances permit ?

The Hon'ble the Minister for Local Self-Government : I shall be prepared to consider it.

CENTRE FOR SANSKRIT EXAMINATIONS AT ALLAHABAD

*4. **Munshi Gajadhar Prasad** : Will the Government be pleased to state what has it decided with regard to changing the centre for examinees of Sanskrit schools from Modern High School, Allahabad, to some other suitable place in the same town, concerning which matter representations were submitted to them ?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava) : The centre for the Benares Sanskrit College examinations will be changed to the Daraganj High School, Allahabad, with effect from the examinations of 1934

Munshi Gajadhar Prasad : Will the Hon'ble the Minister be pleased to state why it was not changed in 1933 ?

The Hon'ble the Minister for Education : It was not convenient administratively.

GOVERNMENT SANSKRIT COLLEGE, BENARES

*5. **Chaudhri Dhira Singh** : (1) Is the Government aware of the fact that most of the answer-books of the Government Sanskrit College, Benares, have been lost while others are moth-eaten or otherwise destroyed ?

(2) If so, what action have Government taken in the matter ?

(3) If no action has been taken, why not ?

(4) Will the Government be pleased to state the action it now proposes to take in the matter ?

The Hon'ble the Minister for Education : (1) No, but Government are aware that the existing arrangements for the preservation of the answer-books is unsatisfactory.

(2) Iron racks and a fire proof almirah are to be purchased.

(3) and (4) Do not arise.

*6. **Chaudhri Dhirya Singh** : Does the Government propose to depute a Deputy Director of Public Instruction to make a thorough inquiry into the affairs of the Government Sanskrit College, Benares?

The Hon'ble the Minister for Education : No.

*7. **Chaudhri Dhirya Singh** : What are the duties of the Inspector of Sanskrit Pathshalas?

The Hon'ble the Minister for Education : The honourable member is referred to para. 51 of the Educational Code. He is also responsible for the scrutiny of the manager's returns of aided Sanskrit *pathshalas* and for recommendations for grants under para. 391 of the Code.

*8. **Chaudhri Dhirya Singh** : (1) Is the Government aware of the fact that the *pathshala* managers are summoned by the Inspector to explain the annual returns to him personally at Benares?

(2) Is the Government aware of the hardships that the *pathshala* managers have to undergo in this connexion?

(3) Is it a fact that the managers have in some cases been forced to pay money in the form of *pūja* to the father of the Inspector?

(4) If so, what action has been taken to put a stop to it?

(5) Is it a fact that the Inspector insists on the appointment of only such teachers in the *pathshala* who were the ex-pupils of his father whenever a vacancy occurs?

The Hon'ble the Minister for Education : Inquiries have been made. A reply will be given at a later date.

*9. **Chaudhri Dhirya Singh** : Will the Government state (a) the number of vacancies in *pathsholas* that occurred from November, 1929 to June, 1932, and (b) the names of Pandits appointed at the instance of the Inspector?

The Hon'ble the Minister for Education : Inquiries have been made. A reply will be given at a later date.

*10. **Chaudhri Dhirya Singh** : (1) What is the annual income derived from the Sanskrit examination of the Sanskrit College at Benares from 1920 to 1933?

(2) What is the annual expenditure from 1920 to 1933?

The Hon'ble the Minister for Education : Inquiries are being made.

*11. **Chaudhri Dhirya Singh** : (1) Is there any text book committee? If not, why?

(2) How are the courses prescribed in the Benares Sanskrit College?

The Hon'ble the Minister for Education : (1) No. It has not been thought necessary.

(2) All important changes are approved by the Department after having the advice of the Board of Sanskrit Studies.

*12. **Chaudhri Dhirya Singh** : How many times since his appointment as a Principal of Sanskrit college has Pandit Gopi Nath Kaviraj visited the College during the working hours and has he ever supervised teaching and what are his duties?

The Hon'ble the Minister for Education : Inquiries have been made. A reply will be given at a later date.

*13. **Chaudhri Dhira Singh :** Are *pinkhas* still provided to the Acharyas in summer while imparting education to pupils during the working hours of the College as they used to be in the time of Dr. Venis? If not, will the Government be pleased to state as to the time from which and why they were stopped?

The Hon'ble the Minister for Education : Inquiries have been made. A reply will be given at a later date.

*14. **Chaudhri Dhira Singh :** Is it true that one teacher has to teach 16 classes in three or four working hours?

The Hon'ble the Minister for Education : Inquiries have been made. A reply will be given at a later date.

*15. **Chaudhri Dhira Singh :** How much remuneration is given (a) to the setters of papers, (b) to the book examiners at the Sanskrit College?

The Hon'ble the Minister for Education :

<i>Examination</i>	<i>For setting the paper</i>	<i>For examining the answer-books</i>
	Rs.	
Prathama	7	3 annas per paper.
Madhyama	10	4 " " "
Shastri	20	6 " " "
Acharya	20	6 " " "

*16. **Chaudhri Dhira Singh :** What are the duties of the Board of Sanskrit Studies?

The Hon'ble the Minister for Education : The honourable member is referred to paragraph 74 of the Educational Code.

REALIZATION OF TAX ON PROPERTY AND CIRCUMSTANCES BY CAWNPORE DISTRICT BOARD

*17. **Chaudhri Ram Adhin :** Is the Government aware that the arrears of the tax on property and circumstances levied by the Cawnpore District Board amounts to about a lakh, and that the offer of the Government to lend the services of a tahsildar for collection work was declined by the Board in spite of such huge arrears? How is this going to be realized?

The Hon'ble the Minister for Local Self-Government : Yes.

Owing to defects in the assessment a greater portion of the arrears will probably never be realized. Collections are however reported to have improved during the present year.

Pandit Joti Prasad Upadhyaya : Is it a fact that the arrears of tax amount to about one lakh of rupees?

The Hon'ble the Minister for Local Self-Government : I couldn't furnish this information from memory. It may be large for aught I know.

Rai Bahadur Babu Vikramajit Singh : Is the Government making any inquiries about the arrears of taxation in this connexion?

The Hon'ble the Minister for Local Self-Government : Yes, we did make inquiries.

Rai Bahadur Babu Vikramajit Singh : What was the reply of the district board ?

The Hon'ble the Minister for Local Self-Government : I have indicated that in the answer.

Pandit Joti Prasad Upadhyaya : Who has made the inquiry ?

The Hon'ble the Minister for Local Self-Government : The local authorities.

Rai Bahadur Babu Vikramajit Singh : Have they not been able to furnish the exact amount of arrears ?

The Hon'ble the Minister for Local Self-Government : Roughly, the figure approximates to that given by the honourable member.

The Hon'ble the President : The answer to the first part of the question is " Yes," as printed in the reply, which means that the arrears amount to about a lakh.

The Hon'ble the Minister for Local Self-Government : But this figure must have gone down since, as the collection of arrears has improved.

Rai Bahadur Babu Vikramajit Singh : Is the Government not going to insist on the appointment of a tahsildar for collection work ?

The Hon'ble the Minister for Local Self-Government : If things do not improve, we might look into the matter afresh.

ROADS IN CAWNPORE DISTRICT

***18. Chaudhri Ram Adhin :** Is the Government aware that the state of the roads in the Cawnpore District is in a very deplorable condition and that the district board can do nothing to better it on account of its depleted finances ?

The Hon'ble the Minister for Local Self-Government : An inquiry has been made and a reply will be given at a later date.

MIDDLE SCHOOLS IN CAWNPORE DISTRICT

***19. Chaudhri Ram Adhin :** Is the Government aware that classes in certain middle schools in the Cawnpore District are held in thatched huts, open to dust, sun and winds, and that the buildings of the schools have been allowed to fall to ruin by the Cawnpore District Board for want of funds for complete repairs ?

The Hon'ble the Minister for Education : Government are aware that one middle school building in the Cawnpore District has fallen down and that the work is being carried on in thatched huts. Further inquiries are being made.

CALLING OF MEETINGS BY THE CHAIRMAN, CAWNPORE DISTRICT BOARD

***20. Chaudhri Ram Adhin :** Is the Government aware that the Chairman, Cawnpore District Board, has not so far convened meetings repeatedly requisitioned by members although six months have passed since that requisition was submitted to him ?

(2) Is the Government going to take any action in the matter aforesaid; and if so, what?

The Hon'ble the Minister for Local Self-Government: An inquiry has been made and a reply will be given at a later date.

Mr. Brijnandan Lal: Will the Government consider the desirability of asking the Chairman to expedite the matter?

The Hon'ble the Minister for Local Self-Government: Should the need arise or if there is undue delay.

Pandit Joti Prasad Upadhyaya: Was any representation made by certain members of the Cawnpore District Board to the local Government asking them to take action in the matter about six months ago?

The Hon'ble the Minister for Local Self-Government: I regret I cannot furnish this information offhand.

Pandit Joti Prasad Upadhyaya: It is a fact that requisitions after requisitions are being sent to this Chairman, but he is not convening a meeting of the Board?

The Hon'ble the Minister for Local Self-Government: It may be. I am sorry I cannot furnish the information as I have not looked into the file yet.

ANNIVERSARY MEETING OF PANDIT MOTI LAL NEHRU AT ALLAHABAD

*21. **Mr. C. Y. Chintamani:** (1) Are Government aware of the prohibition by the District Magistrate of a public meeting convened for 6th February in Purushottamdas Park, Allahabad, to observe the anniversary of the death of Pandit Moti Lal Nehru, a great citizen of that place?

(2) Was the meeting convened by respectable citizens, of whom a majority were non-Congressmen, and was Sir Tej Bahadur Sapru the Chairman-elect?

(3) What reason had the District Magistrate to think that there was likely to be a breach of the peace or annoyance to anybody if the meeting was not prohibited?

(4) What steps did the District Magistrate take to ascertain if a procession had been arranged in connexion with the meeting?

(5) Why had the District Magistrate no objection to the same meeting being held elsewhere in the city?

(6) What reason had he to think that speeches delivered at any other place would be less objectionable or be less likely to be followed by a breach of the peace?

(7) Have disturbances been far fewer in the city or in or near Purshottamdas Park?

(8) Were similar meetings allowed and were they held with no manner of unpleasant consequences on the same day at Lucknow, Benares and Cawnpore?

(9) Why was not the like freedom allowed to the people of Allahabad to pay their tribute to a great citizen?

(10) Was there any public annoyance or disturbance as a result of the meeting held in the identical place on 26th December in honour of Pandit Madan Mohan Malaviya?

(11) Was there an order by the Superintendent of Police in connexion with the proposed Lajpat Rai memorial meeting in the same park on 17th November?

(12) Were Government aware of the annoyance caused thereby to the public and did they (the Government) convey their opinion on their action to the District Magistrate and the Superintendent of Police?

(13) Have Government done so in connexion with this last prohibition, or do they intend to do so?

(14) What steps have Government taken or do they propose to take to allay the public dissatisfaction due to such acts of authority and to prevent a recurrence of them?

The Hon'ble the Home Member : (1) Yes.

(2) Yes.

(3) The Magistrate was informed that the meeting was to be preceded by a procession from the city. He anticipated that this would contain unruly elements from the city whom it would not be easy to control at the Purushottamdas Park after dark.

(4) A sub-inspector stationed at the kotwali stated that, in conversation with Pandit Shyam Lal Nehru, the latter had informed him that he had heard that a procession was to be taken out. Further, Allah Bux, a Congress worker, definitely informed a sub-inspector of the District Intelligence Staff that there would be a procession on 6th February.

(5) Because at places in the city, such as Muhammad Ali Park, meetings can be more easily controlled than at the Purushottamdas Park.

(6) This has been explained above.

(7) There have been two serious disturbances one in the city and one near the Purshottamdas Park, during the last fourteen months.

(8) Yes.

(9) This has been explained above.

(10) No.

(11) Yes.

(12) Some complaints against this action of the Magistrate were made in the press, but Government did not consider it necessary to take any action.

(13) and (14) The attitude of Government has been clearly explained in the correspondence with Sir Tej Bahadur Sapru which has been recently published.

Mr. C. Y. Chintamani : With reference to the answer to part (3), by whom was the Magistrate informed that the meeting was to be preceded by a procession from the city?

The Hon'ble the Home Member : I think the information was given to him by the police.

Mr. C. Y. Chintamani : In his letter to Sir Tej Bahadur Sapru, to which reference has been made in the answer to parts (13) and (14), the Home Member wrote, "This fact that there would be a procession was actually announced by beat of drum in Allahabad City early on the 6th instant." Does the Home Member adhere to that statement or depart from it as shown by the answer?

The Hon'ble the Home Member : We have been informed since that it was not announced by beat of drum.

Mr. C. Y. Chintamani : So that the statement in that letter that the Magistrate relied upon the announcement by beat of drum is given up by the Government as incorrect.

The Hon'ble the Home Member : As far as the fact that the announcement was made by beat of drum goes, it was not correct. We were not fully informed at the time.

Mr. C. Y. Chintamani : What reason had the District Magistrate to anticipate that in the event of there being a procession it would contain unruly elements from the city whom it would not be easy to control at the Purushottamdas Park after dark?

The Hon'ble the Home Member : I believe his past experience.

Mr. C. Y. Chintamani : What past experience did the District Magistrate have of the processions from the city which led to disturbances?

The Hon'ble the Home Member : In April, 1932, there was a procession and a meeting which led to a riot and I believe that was his experience which made him nervous.

Mr. C. Y. Chintamani : Am I to conclude that because in the whole course of years of processions and meetings there was one disturbance in April last year, therefore it was thought right and just to prohibit a meeting which was not to be preceded by a procession?

The Hon'ble the Home Member : What I meant was that when one has to maintain law and order one has to take precautions. The District Magistrate's experience of the past was such that he became cautious, and it was for this reason that, as I have said in my reply, when he learnt that there was going to be a procession he took those precautionary measures.

Mr. C. Y. Chintamani : Regarding para 4. Was Pandit Shyam Lal Nehru, who is reported to have said in conversation to some policeman that there would be a procession, one of the conveners of that meeting?

The Hon'ble the Home Member : I do not think so.

Mr. C. Y. Chintamani : Is he an office-bearer of the Congress Committee in Allahabad?

The Hon'ble the Home Member : I know, however, that he is one of the most prominent people in the Congress camp.

Mr. C. Y. Chintamani : Do the Government and their officers rely for information in making serious inroads on legitimate public liberty upon casual talks said to have been made by unconcerned persons who are neither conveners of meetings nor office-bearers of public bodies?

The Hon'ble the Home Member : The honourable member has worded his question in a very clever manner. He has taken many things for granted. But the position is this. The policemen received information from one of the Congress workers, who is said to be one of the most prominent Congressmen, during the course of conversation. The sub-inspector gave that information to the Collector and the latter thought that as the information had been received from this source it might be correct.

Mr. C. Y. Chintamani : Was Allah Bux, a Congress worker, a convener of the meeting?

The Hon'ble the Home Member : No.

Mr. C. Y. Chintamani : Was he an office-bearer of the Congress Committee?

The Hon'ble the Home Member : I do not know.

Mr. C. Y. Chintamani : Was it open to the District Magistrate to ascertain authoritatively from any of the conveners of the meeting whether they did intend to take out a procession?

The Hon'ble the Home Member : According to our report the District Magistrate sent the District Superintendent of Police to meet Sir Tej Bahadur Sapru, but he could not see him in time.

Mr. C. Y. Chintamani : Was Sir Tej Bahadur Sapru one of the conveners of the meeting?

The Hon'ble the Home Member : His name was there.

Mr. C. Y. Chintamani : Was he to be the chairman of the meeting, if it was to be held, or was he a convener?

The Hon'ble the Home Member : I cannot say definitely whether he was among those who were the conveners of the meeting.

Mr. C. Y. Chintamani : Did Sir Tej Bahadur Sapru write to the Home Member in his capacity as chairman of the meeting, and did the Home Member write to him on the 22nd February as the chairman designate of the meeting?

The Hon'ble the Home Member : In fact I received a letter from Sir Tej Bahadur Sapru as Sir Tej Bahadur Sapru and in that capacity I replied to him as Sir Tej.

Mr. C. Y. Chintamani : Did the District Magistrate send a Police officer to Sir Tej Bahadur Sapru to inquire whether there will be a procession or to inform Sir Sapru that it was decided to prohibit the meeting?

The Hon'ble the Home Member : I understand that a Deputy Superintendent of Police was sent to tell Sir Tej Bahadur Sapru that it will not be possible to hold the meeting at the Purshottam Das Park, but that it may be held elsewhere.

Mr. C. Y. Chintamani : So the District Magistrate did not send the Deputy Superintendent of Police to Sir Tej Bahadur Sapru to inquire whether there will be a procession?

The Hon'ble the Home Member : Yes.

Mr. C. Y. Chintamani : He only sent him to inform Sir Tej Bahadur Sapru that the meeting in the Purshottam Das Park would not be permitted.

The Hon'ble the President : That is a matter for inference now.

Mr. C. Y. Chintamani : In paragraph 5 the Home Member said "At places in the city, such as Muhammad Ali Park, meetings can be more easily controlled than at the Purshottam Das Park." Why?

The Hon'ble the Home Member : I think the geographical situation is such that meetings could be controlled better at places in the city where perhaps there might be fences around it.

Mr. C. Y. Chintamani : Did the Hon'ble the Home Member or the Chief Secretary, his informant, see either the Purshottam Das Park or Muhammad Ali Park and satisfied themselves that at the latter place meetings can be more easily controlled?

The Hon'ble the Home Member : I have not seen either of these places.

Mr. C. Y. Chintamani : Is it a fact that arrangements made by the Police and Magistracy at Allahabad have always shown that they have greater apprehensions of the consequences of political meetings in the city in places like the Muhammad Ali Park than in places like the Purshottam Das Park?

The Hon'ble the Home Member : My information, according to the report of the local authorities, is that meetings can be controlled more easily at places like the Muhammad Ali Park than at places like the Purshottam Das Park, which has roads all around it.

Mr. C. Y. Chintamani : This is the information of the Hon'ble the Home Member?

The Hon'ble the Home Member : Yes.

Mr. C. Y. Chintamani : Paragraph 6. Did the order of the District Magistrate permit a meeting anywhere in the city, on the ground that the meeting there would be more easily controlled, or on the ground of the comparatively objectionable or unobjectionable nature of speeches which would be followed, according to their nature, by a disturbance of the peace or by no disturbance?

The Hon'ble the Home Member : Because the meeting can be controlled better and there will be less danger of breach of the peace there.

Mr. C. Y. Chintamani : Is it the definite position of the Government that in the city of Allahabad any political demonstration could be more easily permitted in the crowded parts of the city where disturbances have always broken out than in the comparatively quiet parks?

The Hon'ble the Home Member : As the honourable member is aware, it is very difficult to generalize on these things, but at present the position, as has been explained by the District Magistrate to us, is that he thinks a meeting in a place like Muhammad Ali Park can be controlled much more easily than a meeting in the Purshuttam Das Park.

Mr. C. Y. Chintamani : The Hon'ble the Home Member states that the District Magistrate thinks so. Are the statements now being made merely a repetition of the District Magistrate's opinion, or do they represent the considered opinion of the Government?

The Hon'ble the Home Member : In a matter like this Government have to rely on the local authority, as questions arise from time to time. It is very difficult for me to say definitely whether a meeting will be better held in a crowded part of the city than elsewhere.

Mr. C. Y. Chintamani : Is it the Hon'ble the Home Member's position that whenever there is a difference of opinion in the District Magistrates or other local officers and the public, or in members of the public and when the latter go to Government for redress of their grievances, the local Government only act as a mouth-piece of the local officers and practically issue a notice to the public "no hope of redress for you under the present system of government"?

The Hon'ble the President : I am afraid it is more or less arguing.

Mr. C. Y. Chintamani : Paragraph 7. What was the occasion on which the two alleged serious disturbances took place to which reference has been made in that paragraph?

The Hon'ble the Home Member : One of them was on the 5th January and another was on the 9th April I think.

Mr. C. Y. Chintamani : Were those disturbances in connection with memorial meetings in honour of distinguished dead personages?

The Hon'ble the Home Member : No, I do not think they were in that connection.

Mr. C. Y. Chintamani : Did those disturbances arise, whoever might have been responsible, out of civil disobedience processions?

The Hon'ble the Home Member : Yes, I believe they were the result of them.

Mr. C. Y. Chintamani : Was it an act of civil disobedience on the part of Sir Tej Bahadur Sapru and other citizens of Allahabad if they wanted to praise the memory of a famous man now dead?

The Hon'ble the Home Member : No.

Mr. C. Y. Chintamani : Are the Government aware that there is such serious dissatisfaction in the public mind of Allahabad over the late Pandit Moti Lal Nehru surviving his death that if a meeting to praise him had been held, there would be a disturbance of the public peace?

The Hon'ble the Home Member : As far as like Sir Tej Bahadur Sapru and others who were the conveners of the meeting were concerned, I would say "no, there was no danger of a breach of the peace." But the District Magistrate was afraid that there was going to be a procession from the Congress office, from Bhandara, taken up to the Purshottam Das Park. It was quite possible that in the procession there would be such unruly elements that there would be a breach of the peace.

Mr. C. Y. Chintamani : My question was this. The two serious disturbances to which reference is made in the answer to paragraph 7 on his admission were in connection with civil disobedience processions. This meeting was to praise a famous man who is no more. The question was what reason there was to apprehend a disturbance or breach of the peace at a meeting not connected with civil disobedience.

nor with any political object but merely intended to pay a personal tribute to a great man who is no more?

The Hon'ble the Home Member: The cause of the meeting has got nothing to do with the real fact, namely that the local authorities had received information that the procession was going to be held, it was that which necessitated for caution. Otherwise the District Magistrate would have had no objection to allow the meeting.

Mr. C. Y. Chintamani: Have Government re-addressed the District Magistrate for having under a false belief that there would be a procession, thus deprived the public of a legitimate right of holding a meeting.

The Hon'ble the Home Member: Well, I do not think that I am in a position to answer this question as honourable member presupposed that the District Magistrate was under a false belief.

Mr. C. Y. Chintamani: Paragraph 8. Were the meetings held at Lucknow and Benares on the same day for the identical purpose held in the Amin-ud-Daula Park and in the grounds of the Town Hall, and is it a fact that several public disturbances did arise out of meetings held at these two places in these two cities?

The Hon'ble the Home Member: I do not think there was any disturbance in these places.

Mr. C. Y. Chintamani: It is very difficult, I cannot, at question time, answer the Home Member. Will he re-consider his answer whether it is a fact that public disturbances did arise out of processions and meetings held in these two cities of Benares and Lucknow when they were meetings held for other purpose?

The Hon'ble the Home Member: I could not follow the honourable member's question. Did he mean there have been meetings and then disturbances took place?

Mr. C. Y. Chintamani: Is it a fact that the record of public meetings at Purshottam Das Park in Allahabad, in Amin-ud-Daula Park in Lucknow and on the grounds of the Town Hall at Benares, ever since the civil disobedience movement started, proves, as a matter of fact, that there was much less risk of any disturbance following the meetings taking place in these places than at any others?

The Hon'ble the Home Member: It is very difficult to compare all these places. I do not remember how many disturbances of peace there were at these places in the past?

Mr. C. Y. Chintamani: Paragraph 10. The Hon'ble the Home Member in his answer has stated—"There was no public annoyance or disturbance as the result of the meeting held in the Purshottam Das Park on the 26th December," whereas in reply to the letter to Sir Tej Bahadur Sapru he gives as one of the grounds of justification for the prohibition of this meeting held on the 26th December which was attended by such speeches that would cause public annoyance. How does he explain this contradiction?

The Hon'ble the Home Member: Will the honourable member quote from my letter?

Mr. C. Y. Chintamani: In paragraph 2 of his letter to Sir Tej Bahadur Sapru he said "recently at a meeting held at this Park on the 26th December last for a non-political purpose some intemperate speaking was indulged in. Experience has amply demonstrated the need for special care in allowing meetings in this Park where it is difficult to exercise control, etc."

The Hon'ble the Home Member: I am obliged to my friend for quoting from my own letter. I can now fully explain the thing. What we stated in our letter to Sir Tej Bahadur Sapru was "recently at a meeting held at this Park on the 26th December last for a non-political purpose some intemperate speaking was indulged in. *Some intemperate speaking was indulged in.*" That is what we said only. The question here was "Was there any public annoyance or disturbance as the result of the meeting?"

Mr. C. Y. Chintamani: So, what was regarded by the District Magistrate as intemperate speaking on the 26th December did not result, in the opinion of Government, in annoyance to the public?

The Hon'ble the Home Member: There is no inference. Our reply is quite clear on both the questions.

Mr. C. Y. Chintamani: Some complaints against this action of the Magistrate were made in the Press with reference to the procession, but Government did not consider it necessary to take any action. Were the complaints made in the Press followed by complaints on the floor of this House?

The Hon'ble the Home Member: I remember the honourable member referred to it in one of his speeches.

Mr. C. Y. Chintamani: Was the complaint answered and was the action of the District Magistrate in prohibiting that meeting defended by the then Chief Secretary to Government?

The Hon'ble the Home Member: Yes. I remember Mr. Bomford spoke on it.

Mr. C. Y. Chintamani: What was the action which the Government could have considered necessary to take if there had been any complaint made? Government having already defended the action of the District Magistrate, what was the action that the Government would have considered necessary to take if there had been a complaint addressed to them?

The Hon'ble the President: I do not quite follow the question.

Mr. C. Y. Chintamani: With reference to last questions 13 and 14, the attitude of the Government has been clearly explained in the correspondence which took place between the Hon'ble the Home Member and Sir Tej Bahadur Sapru and which has been recently published. Will the Hon'ble the Home Member give his attention to the statement made in paragraph 4 of his letter as part of that correspondence. "I hope you will agree that it would be advisable in future for sufficient notice to be given to the District Magistrate to allow of his making the necessary arrangements to control any procession which may be in contemplation." Confining myself to meetings and not to processions, will the Hon'ble the Home Member be pleased to state under what law, special or ordinary, legislative or executive, are the

conveners of meetings under a legal obligation to give notice to the District Magistrate of their intention to hold meetings?

The Hon'ble the Home Member : Here we never said that legally they are bound to give notice of a meeting. Moreover, I know the question is controversial and in connection with the Lajpat Rai meeting I understand that there is a revision before the High Court and this question may be decided there. They would define a thoroughfare, whether the Purshottam Das Park is, does or does not come within the definition. Therefore, I would not like to say much on the point. But when we wrote this what we meant was that as there had been a disturbance in the past so as a matter of courtesy, and for practical considerations the District Magistrate should be informed of such meetings, so that he may be able to make the necessary arrangements.

Mr. C. Y. Chintamani : Sir, the honourable member has referred to disturbances and in answer to a question he mentioned only one disturbance arising out of the civil disobedience movement. Is it a fact that the order of the District Superintendent of Police in connection with the Lajpat Rai meeting was under the Police Act with reference to assemblies and processions on public thoroughfares and had nothing to do with the enclosed places, whereas my question relates to meetings in enclosed places. Now I want to know whether this is the policy of the Government, apart from all law, to hold that meetings may be prohibited unless the conveners do what they are now required to do, namely to previously inform the District Magistrate?

The Hon'ble the Home Member : We have never said that this is necessary. It would be advisable. I never said that it is legally necessary.

Mr. C. Y. Chintamani : Did the Government convey any expression of disapproval to the District Magistrate of what he has done or do they intend to do so?

The Hon'ble the Home Member : No. We did not convey any disapproval to the District Magistrate. As to the policy of the Government, I may quote the last portion of my letter that will explain. We said—"I may repeat that Government have no desire to see any restriction . . ." I hope my honourable friend will note that no restriction will be placed upon a meeting for which men like . . .

Mr. C. Y. Chintamani : This assurance, as the honourable members will notice, from the part of the sentence which he has not read out is qualified in this way—"Government have no desire to see any restrictions placed on a meeting for which men like yourself or Mr. Chintamani are prepared to take responsibility." These questions are not with a view to protect the chairman or Mr. Chintamani. They are on the assertion of public life. I want to know from the Hon'ble the Home Member whether their policy is to allow public meetings within the limits of law or to impose restrictions not contemplated by law and to go on supporting the District Magistrates in their repressive acts?

The Hon'ble the Home Member : We wish to take action within the law and not outside it.

Mr. C. Y. Chintamani : Has the Hon'ble the Home Member one word to say to encourage the public that by constitutional means there is a shadow of or fractional hope to get relief from this Government?

The Hon'ble the Home Member : Surely those who are working on constitutional lines not only can expect relief but also protection at the hands of Government.

Munshi Gajadhar Prasad : Do the Government approve of the conduct of the District Magistrate in the circumstances which have now been brought to their notice ?

The Hon'ble the Home Member : I do not think it is necessary to give any definite reply to this question, because there can always be two versions about a thing and there is a controversy about the fact whether there was the danger of breach of peace or not.

Pandit Jyoti Prasad Upadhyaya : (Ros.)

The Hon'ble the President : Let us go on.

SHIA ORPHANAGE AT LUCKNOW

*22. **Khan Bahadur Saiyid Jafer Hosain :** (a) Is the Government aware that the All-India Shia Orphanage at Lucknow is the only one of its kind in the United Provinces of Agra and Oudh among the Shia community ?

(b) Is the Government further aware that the monthly expenses of this institution come to about Rs.5,000 and that Government gave a grant-in-aid of Rs.3,000 annually ?

(c) Is the Government aware that this Government grant-in-aid has been reduced to Rs.1,800 ?

(d) Is the Government prepared to restore the grant-in-aid hitherto given ?

The Hon'ble the Minister for Education : (a) Yes.

(b) Yes.

(c) The grant was reduced to Rs.2,000.

(d) The matter will be considered when the financial situation improves.

POPPY CULTIVATION

*23. **Pandit Shri Sadayatan Pande :** (1) Will Government please state in how many districts of these Provinces poppy cultivation is allowed ?

(2) Since which year has poppy cultivation been stopped in general and why ?

(3) Is Government prepared to issue general orders to all districts to the effect that poppy should be cultivated ?

The Hon'ble the Minister for Education : (1) In twelve districts during the opium year 1932-3.

(2) The cultivation of poppy has been reduced since 1925, in accordance with the policy of the Government of India, progressively to reduce the export of opium from India, so as to stop it by 1935.

(3) This is a matter for the Government of India to decide.

Pandit Shri Sadayatan Pande : May I know which are those twelve districts in which opium cultivation is carried on ?

The Hon'ble the Minister for Education : I have not got the information here. I want notice of the question.

Pandit Shri Sadayatan Pande: How many of those twelve districts are in Oudh and how many in the Agra Province?

The Hon'ble the Minister for Education: I do not possess the information here; I have not got the names of those districts here.

CANDIDATES FOR THE POLICE TRAINING SCHOOL, MORADABAD

***24. Rai Bahadur Thakur Hanuman Singh:** Will the Government be pleased to lay the following statement on the table with regard to candidates sent up to the Police Training School, Moradabad, this year? :

	Hindus	Muslims	Others
(i) Nominated by the Hon'ble the Home Member.			
(ii) Nominated by the Inspector General of Police—			
(a) selected by divisional selection committees,			
(b) of his own initiative ...			

	Hindus	Muslims	Others
The Hon'ble the Home Member:			
(i) Nominated by the Hon'ble the Home Member.	2	3	...
(ii) Nominated by the Inspector General of Police—			
(a) Selected by Divisional Selection Committees,	34	33	...
(b) of his own initiative ...	5	13	...

Of those nominated by the Inspector General of Police two were candidates specially recommended by but not accepted by Divisional Committees.

PROMOTION OF SUB-INSPECTORS TO DEPUTY SUPERINTENDENTSHIPS

***25. Rai Bahadur Thakur Hanuman Singh:** How many sub-inspectors of police have, during the years 1931 and 1932, been promoted straight away to the posts of deputy superintendent, temporarily or permanently, without having been inspectors? How many of them were Muslims and how many non-Muslims?

The Hon'ble the Home Member: No sub-inspectors have been promoted to the post of deputy superintendent of police without having been inspectors. Two officers who had acted as inspectors but had reverted to the rank of sub-inspector owing to the abolition of circle inspectors' posts were promoted to officiate as deputy superintendent

of police temporarily in 1931 and 1932 but have since reverted to their substantive appointments. One officiating inspector was promoted to officiate as a deputy superintendent of police in 1931 and is still so officiating. Of these three officers one was a Muslim and two non-Muslims.

GENERAL DISCUSSION OF THE BUDGET FOR 1933-34— (concluded)

Mr. E. M. Souter : I have only a very few remarks to make at this stage and at the outset I would offer my congratulations to the Finance Department for their success in the conversion of the 6 per cent. loan into a 5 per cent. one. Had the Finance Department waited perhaps for another half year or so, they would probably have been able to reduce this to $4\frac{1}{2}$ per cent. However, it is very easy to be wise after the event.

I now wish to refer to the Public Works Department and the state of our roads. Speaking about this time last year, I pointed out that by proceeding to save, as I expressed it at that time, four annas in the rupee, in a very short time we would lose one rupee. To any one who is used to travelling over our roads, as I have been recently, it is obvious that what I said last year has come true. The present state of our roads all over has very greatly deteriorated. I hope that the Hon'ble the Minister in charge will press on the Finance Department for sufficient funds to put the roads into proper repair and keep them in that condition. If you will refer to the detailed estimates, Public Works Department, at page 39, you will see that this year we have Rs.27,34,000 only for repairs as against Rs.26,60,000 last year, that is to say an increase of only Rs.74,000. This, I hold, is absolutely insufficient.

In this connection I will also refer to the Road Development Fund and to the speech of the Hon'ble the Finance Member. He says there that out of this fund a sum of Rs.1,85,000 will be spent in this year and at the end of the year they will have fourteen lakhs of rupees in hand unspent. Why is this balance of fourteen lakhs of rupees being kept unspent? In his statement, the Hon'ble the Finance Member says :

“ It is financed out of the proceeds of a central tax on petrol, a share of which is allotted every year to every province for expenditure and improving communications.”

I cannot see how the department is justified in retaining this sum of 14 lakhs and holding up construction of urgent projects.

Then, turning to the question of the Public Works Department overhead charges and its establishment, if you refer to page 39 of detailed estimates it will be seen there that the percentage of overhead charges for establishment only is 42 of expenditure. It is hardly necessary for me to say anything on this subject as the figures speak for themselves.—42 per cent. for overhead charges? In the ordinary way it should not be more than $7\frac{1}{2}$ or 10 per cent. Last year this was considered by the Retrenchment Committee and they strongly recommended certain retrenchments. These included the abolition of Superintending Engineers and other proposals. In his speech the

Hon'ble the Finance Member has stated in paragraph 25 that proposals are being forwarded to the higher authorities regarding re-organization in the Public Works Department and that the resultant total savings will possibly be eight lakhs. I would urge on the local Government to expedite this.

Now, I will say a few words on the subject of hydro-electric schemes. I wish to utter a word of caution here and trust that all expenditure under this head will be very carefully examined. I see that yesterday there were answers to my questions regarding commercialization of the Hydro-electric Department accounts and it has been stated that the new system of accounts has actually been introduced and these accounts will be published for the full year in due course. This being so, I will not say anything further under this head. I realize in this connection that it is not possible for such concerns to show a profit for the first three or four years, but at the same time I think that we are entitled to get full information and see how we really stand.

Finally, I will refer to the subject of female education. If you look at the estimates under the head "Education" on page 8 you will see that there is a very vast difference in grants for the education of boys as compared with those for girls. In fact it is out of all proportion. I would ask the Hon'ble Education Minister how is it that at the foot of each of these pages he has put special comments such as "About four lakhs is expected to be spent on girls' education" (page 9). I find similar remarks at the foot of page 11. It appears to me that the Hon'ble the Minister is rather troubled about this subject and I think it would be in his own interest that he came to their help. I would suggest that all the surplus profits derived from the revised administration of Excise should be ear-marked for female education.

In the end I wish to express my regret at the impending retirement of Mr. Teyen. He has served this Province faithfully and well and I wish him all health and prosperity in his retirement.

***Rai Rajeshwar Bali :** Sir, I may be allowed to preface my remarks by two personal references. Firstly, I am happy to find that the Hon'ble Mr. Blunt has come back to resume his duties fairly recovered in health. We were all very much concerned to hear that he was taken ill suddenly last year and had to proceed on leave. It is a matter of gratification to all of us that he has come back fairly recovered.

Next, Sir, let me associate myself with all that he has said about our retiring Finance Secretary. He has paid an eloquent tribute to him and I believe we all feel that every word of it is fully justified.

Coming to the budget, Sir, the Hon'ble the Finance Member seems to be quite satisfied that after all we have been able to achieve equilibrium this year. If we examine more closely, it will be found that there is not much ground for our joy in this matter. The equilibrium has been achieved on account of certain factors over which we cannot congratulate the Government.

To me it appears that there are five factors which have contributed towards the attainment of this equilibrium and with at least four of

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them I cannot see eye to eye with the Government. In the first place the loan operations of the Government have given them a reduction of 20 lakhs in debt charges. This is certainly a matter on which the Finance Department deserve our congratulations and support. But as regards the other four factors I think we shall have something to say about them. The other four factors are retrenchment measures adopted by the Government, the revised excise policy, last year's taxation measures and the inequitable settlement of rent and revenue remissions. If the Government had dealt fairly with these four factors, perhaps their position would not have been the same as it is today. Briefly, Sir, I shall try to discuss all these four. Firstly, I shall come to the question of retrenchment. I need not remind the House that a committee was especially appointed for this purpose about the close of the year 1931 and we made certain recommendations. Now what effect has been given to those recommendations? Certainly, wherever they were concerned with reduction of the provincial or subordinate services or wherever they were concerned with reduction in the benevolent activities of the Government, the Government has been only too eager to give effect to them. We find that a number of posts of clerks, peons, etc., in the provincial and subordinate services have come under reduction. We find that there is a scheme of compulsory retirement of those who have served for a number of years; we find that the recruitment to many services has been either stopped or very much slowed down. Fourthly, we find that the pay of the new entrants in the provincial and subordinate services has been reduced by one-third. But, Sir, what is the story as regards the Imperial Services? So far as I am aware, not one post in the Imperial Services has so far come under reduction; not one concession which was given to them by the Lee Commission has yet come in for modification; no recruitment has been stopped to the Imperial Services, except in those services where it had already been stopped. On the other hand, the 10 per cent. salary cut has been reduced to 5 per cent. If we compare this with the action which has been taken in the matter of subordinate and provincial services we can see what difference there is in the action taken on both of them. Not only that, we find that in the benevolent departments the Government has curtailed many activities. For instance, the Government have stopped all non-recurring grants, which were, as a matter of fact, in the way of recurring grants, in the case of educational institutions. The same can be said as regards the Medical and Public Health Departments also, but, so far as the Imperial Services are concerned, nothing has been done. I am sure if the time becomes more favourable, if the optimism of the Hon'ble the Finance Member is realized, at the end of the year also, it will be said that no further action need be taken, because, after all, our finances have now improved. I need not remind the House that, according to the calculation that I made, and which I incorporated in my manual (the report of the retrenchment committee), the Imperial Services profited to the extent of 50 to 60 per cent in the increase in their salaries and emoluments as a result of the high prices, as a result of the increment given to them between 1918 and 1922. But when the finances of the country went to a low ebb, when every emergency action has been taken

nothing has been done to reduce the standard of salary and emoluments and allowances which is being given to the Imperial services. Sir, I am sure I shall be confronted with the argument by the Hon'ble the Finance Member that in the matter of the Imperial services he is helpless. When we discussed this question in November last, I was not fully aware of the position at that time, and though I proposed that the Government should show more alacrity in dealing with the question, I was not acquainted with the position as I am now on account of the statement made by the Hon'ble the Finance Member which he read to us on the last occasion. In this statement he said, "About July last we received the Government of India's reply to our original proposals asking for detailed information on various points and also for the collection of certain opinions. It took time to get this material together, but we are now about to send a reply, which will re-state our views." Sir, when we agreed to taxation proposals last year we were clearly under the impression that the Government would take no time in forwarding their recommendations, as a matter of fact we were given to understand that their recommendations were already ready and that it would take no time to insist on higher authorities to take immediate action about them. But still we have been paying an additional taxation for the whole of the year, and, so far as this measure is concerned, the position is very much the same as it was last year. But it is true that the local Government forwarded certain recommendations, but the Government of India asked for certain detailed information and it has taken about 8 or 9 months for the local Government to re-state their views. In the first place, I am not sure what this phrase "collection of certain opinions" means. After all, in administrative matters it is the opinion of the non-official members of this House or of the officials of Government which should count. The non-official members of this House had already made their position quite clear, and the Government had already formed their opinion and forwarded it to the higher authorities. What more opinions are being invited by the higher authorities to enable them to come to a decision. I wish to remind the House that we have been pressing not for the scheme which we drafted but for the scheme which was forwarded by the local Government to the Government of India. But even that scheme has not yet been given effect to. I am sure, I am fully confident, that the scheme which has been forwarded by the local Government falls far short of what we want. But when even that scheme has not yet been accepted by the higher authorities we realize the complete helplessness of our position. Suppose the local Government had prepared a scheme, and the desires of the non-official members of this House in relation to that scheme went much further than theirs. What other opinions were there to be invited which would convince the Government of India that after all their scheme was not a rash scheme? I must confess that I am entirely at a loss to understand what this phrase "collection of opinions" means. At any rate, we find that while the local Government wanted to have this taxation measure as early as possible, they have taken time leisurely as regards this retrenchment scheme. It is a full year since this scheme has been under discussion and the position today is very much the same as it was last year. And for this at least we cannot blame either the Government of

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India very much on the Secretary of State who is the ultimate authority in this matter. I think after that statement we must apportion a considerable portion of the blame to the local Government. I need not remind the Hon'ble the Finance Member of the promise which he held out in respect of this when he asked us to vote for additional taxation. As I said in November last, I think Government has not acted fairly, if not honestly, in this matter. We voted for additional taxation on the definite understanding that they would do their best to get this retrenchment scheme brought into effect, but they have failed to play their part. What I suggested then I suggest now—that in case Government find that they cannot act up to their promise they should have withdrawn the taxation measure this year in order to strengthen their position. They have done neither.

I wish now to come to the third factor which has contributed to the financial equilibrium, viz., the revision of the excise policy. Unfortunately, Sir, owing to ill-health I could not be present on 20th February, when the excise debate took place. My doctor completely prohibited me from taking any part in the debates of this House; and I was not quite sure whether owing to his ill-health my respected leader would be able to come here on the 20th and the debate would be resumed. But I find that my absence has been misinterpreted. I wish to declare most emphatically that I am, and have always been, in support of the resolution which was moved so ably by my respected leader. It is true that I do not find sufficient ground to congratulate the Hon'ble the Finance Member on this budget, but at the same time I think that I have ample ground to congratulate him on the splendid colleagues he has got. Not only can he increase the revenue by new taxation measures but he can persuade his colleagues to agree to policies to which the public opinion has always been opposed, but which certainly will bring more money to the Government. Even in these days when the country was hard hit by financial depression, the Hon'ble the Excise Minister had no hesitation in following a policy which would take more money out of the people by offering them the temptation of more drink. I can at least congratulate him on one thing. He has kept up the traditions of the community to which he and I have the honour to belong,—traditions which were fast losing ground owing to fierce competition by other communities and on account of temperance propaganda. But that is not all. Not only can the Hon'ble the Minister bring more money to the Government by offering the people more intoxicants, but he can also hold out intoxicants whose fascinating aroma can bring more support to the Government, and on this I think he deserves greater congratulation than on the first measure. I am rather disappointed to find that even when he agreed to this change in excise policy he did not insist on the Government that the money so brought should be spent in particular on the administration of the transferred departments. This I do not mean to suggest that if it could be made sure that money so raised would go to the transferred departments I would have supported him in his policy. I should have opposed him right enough in both cases. But between the two evils it would have been much better if he had in the circumstances insisted that the money

so obtained might go to my honourable friend, Mr. Mackenzie. I would not say that this means a double dose of sin, but certainly it aggravates the position.

Lastly, I wish to refer briefly to the inequitable treatment as regards the rent and revenue remissions. The House is aware that owing to the financial depression the rents had to be considerably reduced. So far as the zamindar members of this House are concerned, they readily agreed to the large reductions in the rentals: but the zamindar members of the House have been greatly disappointed at the inequitable manner in which the reductions in revenue were effected. Sir, I must confess I am not one of those who insisted or who have been insisting that the reductions in revenue should be strictly in proportion to the reduction in rental according to the law as it stands. I always felt that in an emergency like this it would be much better if we were a little more generous. But what has happened? We find that while the zamindars have been asked to make larger sacrifices than they were entitled to on the pretext of an emergency, this emergency entirely disappears when it comes to the question of the Imperial services. If we had found that the Imperial services had borne the sacrifice in a fair proportion due to the state of emergency, we would have been perfectly satisfied; but that is not the case. We find that while the middle class people, the trader, the tax-payer, the zamindar, the provincial and subordinate service officers have been asked to bear the sacrifice, one class of people has been entirely spared. It is for this reason that we feel this inequitable treatment all the more bitterly. Now I must refer to a sentence in the Finance Member's statement to which I certainly take great exception. He said—"Meantime though we hope that with rising prices remissions of rent on the same scale as last year will not be necessary, we have provided the same figure for remissions of revenue as was given in the two preceding years, namely, 113 lakhs." This sentence may be construed to mean that while the remissions in rent will be less this year, the Government are prepared to allow the zamindars larger remissions of revenue because of the pressure brought upon the Government by them. Certainly we do not mean that. We have been pleading the cause of the tenants and we still emphasize that remissions in rents should be large and liberal, and we do not want to have more revenue remissions at the sacrifice of remissions in rent. What we want is that if the Government give the tenants large rent remissions, they should deal with us also in a liberal spirit. I hope the zamindar members of this House will agree with me. Certainly we do not wish that more revenue remissions may be given at the expense of less remissions to the tenants. It is suggested further in this sentence that with rising prices less remissions of rent may be necessary. In this the Finance Member entirely overlooks the fact that if anything the tenants require at least for one or two years more the same remissions in rent because even if the prices have risen a little owing to a succession of very bad crops for the last five or six years their staying power has been very considerably reduced. Therefore what I feel is that though apparently financial equilibrium has been restored, it has been restored at the sacrifice of the zamindars, the tax-payers and the subordinate Government officials, and as such I do not think that this deserves our support. If the Government feel that there is no harm in allowing

[Rai Rajeshwar Bali]

unemployment to go on increasing as a result of their retrenchment measure in the lower services; if the Government thinks that there is no harm in taking more and more money from the poor tax-payer in these days of depression: if they think that there is no harm in persuading them to drink more in order that the Government may get more money, then all I can say is that I wish the members of the Government of the United Provinces and the Imperial service officers under them a happy and prosperous financial year.

Rai Rajeshwari Prasad: Before coming to the budget proper, I would like to say a few words with regard to the political situation in general in this country and this province in particular. If we carry our minds back to the 15th of the last month, we will find that there was a debate on the floor of this House at which it was recommended to convey to the higher authorities the desire of this House that political prisoners may be granted freedom, especially with a view to ensure peaceful working of the new constitution. To my mind, this matter is of great importance. Responsible opinion in this province, let me content myself with saying, is both definite and strong, that if the Government wants that the new constitution should be worked in an atmosphere of peace and good-will with some degree of success, then it is necessary that political prisoners should be released from the jails as soon as possible. Let the Government feel that they cannot introduce any new constitution without lending it to resistance, however good, however innocent it might be, in case a certain section of the population of this country is deliberately kept at a distance from that constitution. Coming to the budget itself, it is in my opinion more profitable to confine myself to the policy of the Government on different matters instead of discussing the budgetary figures. I would therefore say a few words, first, with regard to the economic situation of our province and begin with the question of unemployment among the educated classes. To my mind it appears that in other countries, the question of unemployment is more a problem of industry; in our country it is a problem of education. Unemployment is felt more among the educated classes than anywhere outside this class. It appears to me that at no definite stage in the educational career of a student is there any industrial bias so to speak. Take the stage of primary education, of course that is out of question. Then there are the stages of secondary education, intermediate education, university education. At no stage do I see a definite industrial bias in the education imparted to the student in this country. The result is that by the time a student has finished his educational career, he comes to a calamitous end: He is fit neither for any art or craft nor for any profession, except the profession of law, which is I think the most difficult and probably the most exclusive of all professions.

I admit, Sir, that this is a question which does not admit of an easy solution, nor is it possible to take steps in this direction which would remedy the evil in a very short time. But it is for us to suggest that the system of education which has been imported to the people of this province and of this country has proved from experience to be absolutely fruitless and it is for the Government, for the officials who

are in high positions today, to find out means and to devise better systems which would be suitable to the needs of the people of the country.

Turning to financial aspect of the economic question, I find myself once more face to face with the question of remissions in rent and revenue. Certain economic conditions made it necessary, as we all know, that rent and revenue should be readjusted to the prevailing prices. It is gratifying to know that the Hon'ble the Finance Member has said that legislation would soon be introduced with a view to bring into being a definite procedure which would automatically adjust rents to the prevailing prices and also revenue to the rents. But in his statement he has asked us not to press him with regard to the time at which he is likely to introduce this legislation. I would only like to remind him that the year 1341 Fasli is not very far from now and I shall content myself with saying that I shall wait and see what comes out of waiting and seeing. Then I shall refer to a passage from his speech which has already been referred to by the previous speaker. But I shall refer to that in another connexion and in another way. That passage is at the end of page 7. "Meantime though we hope that with rising prices remissions of rent on the same scale as last year will not be necessary, we have provided the same figure for remissions of revenue as was given in the two preceding years, namely 113 lakhs." Now, Sir, I must say at once that I dissociate myself entirely from the position that has been taken by the Hon'ble the Finance Member and that dissociation is in this way. It is my personal opinion and I think more members than one in this House will agree with me that the economic difficulties are not yet over, that whatever rise in prices we might have experienced in this province is yet so trifling, is yet so insignificant that the advantages of that rise have not yet filtered down to the individual cultivator or the tenant. Those who have had some experience of the tenantry of the province, will be prepared to say that even now the tenantry is experiencing the same difficulties which it began to experience at the beginning of the year 1931. It would not therefore be correct to say that in the future years remission would be needed on a smaller scale or that whatever is given to the landlords is more or less a concession or a matter of grace. Further on Sir, there is another matter of some importance, to which I would like to refer, and that is the matter of the restoration of the cut in the pay of the Imperial and Subordinate services. If I could rightly understand it, what was known as the emergency cut in the pay of officers was introduced not because of budgetary difficulties, but because of certain economic difficulties. Whatever the causes might be that led to it, they were hardly anything connected with the budgetary position. They were more in the nature of those very economic causes which led to the remissions of rent and revenue, causes which we are experiencing in the economic world of today. The budgetary position might have improved in a certain way. It might be that deficits may have gone down. But I see no justification, when the economic position as a whole remains even today more or less unchanged, for the restoration of this cut in the salary of officers. I do not know what improvement world conditions have shown which would have in their own turn some influence on the economic condition of India as a whole. I do not know what betterment in the

[Rai Rajeshwari Prasad]

agricultural operations of this country has taken place in the course of the last year. I do not know whether prices have gone up to such a level that we can feel any appreciable difference in our economic life. But still we find that Government have restored the cut which was introduced on economic grounds at a time when, I think, they were not justified to do so.

Lastly, a good deal of satisfaction has been expressed from different quarters of this House on the financial position of the province, as shown in this budget. I must say at once that I do not share the same satisfaction. If I take my mind back to the previous history of the discussion of the budget in this Council, from what I have read I can say that it is the same difficulty over and over again : the crux of the question is yet the same : the expenses of the province still continue to be a very heavy drain on our financial resources, and so long as they do not go down substantially I fail to see what definite improvement can be made in the administration of this province. Formerly the fight used to be between the transferred subjects and the reserved subjects.

In a later year the Hon'ble the Finance Member has in one of his speeches summed up the discussion, by saying that after the early years the fight went on as between retrenchment and taxation. The same difficulty is at the bottom of both these lines of discussion.

The difficulty is that because out of our provincial resources we spend enormous sums on the cost of the maintenance of Government, on the cost of administration, we find less and less money for any other purpose, whatsoever it might be. As far as we on this side of the House are concerned as long as we do not find money coming out of savings effected in the direction of the cost of administration diverted to better use for the people of this province so long we cannot say that the finances of this province have improved.

[During the course of the above speech the Deputy President took the chair at 11.56 a.m.]

Thakur Rampal Singh : Sir, I also contribute my humble quota of thanks to the Hon'ble the Finance Member on the presentation of the budget. Sir, if the prosperity of the province were to be judged by the services I think this province can be called a prosperous province because they are contented; but as it is this province consists mostly of agriculturists whose conditions are very deplorable as is well known to the Government. The deficit is the cumulative effect beyond the control of the Finance Department. I am prepared to concede that, even then I am sure my honourable friend the Hon'ble the Finance Member will not hesitate to own up that he and his predecessors have shown lack of foresight when they permitted loss in one single year of 93 lakhs, 88 lakhs or 73½ lakhs. If it been a business concern and the Hon'ble the Finance Member a general manager and we the tax-payers, share-holders, we would have wound up the show long ago, but the Government is not a business concern and our Hon'ble the Finance Member has the wonderful privilege of borrowing *ad infinitum* and to leave us after five years to stew in his own juice

and himself enjoy a good pension several thousands of miles away. I have no intention of being unduly bitter but one has to force facts as they are. We have no money for anything good or great. Our education budget today is nine lakhs short of what it was four years back. Our Medical budget is thirty thousand less than the provision for the current year. The Public Health provision in the budget is less than the allotment for this year. Under Agriculture, the provisions for the current year and for the budget show little difference. Under Industries, the provision is forty thousand less than the expenditure during the current year. These are exceedingly pleasing features in the budget over which certain members have congratulated the Hon'ble the Finance Member.

I shall now refer to the services of Mr. Teyen. We can ill afford to spare him at this juncture. Mr. Teyen prophesies that any large measure of administrative progress will only be possible when prices of commodities improve and the province recovers some of the revenue which low prices have compelled it to forego, in other words till the landlords can be tamed more thoroughly. The hopes of future expansion in these provinces lie in the restoration of land remissions, but then do I need to be an economic expert to tell the Hon'ble the Finance Member today that the present low prices which necessitated revenue remissions are not going to change very much for another few years. Is the province going to remain at a standstill until prices recover? If that is so, why was the Hon'ble the Finance Member in such a hurry to restore half of the salary cut and eat up twenty lakhs of rupees which we could ill afford to spare now?

To me the budget is very disappointing. It shows no symptoms of expansion in the right direction. There is expansion of expenditure under Jails to the tune of about two lakhs. I do not know what this expansion implies, but I am not such an optimist as to hope that our political prisoners will receive better treatment. This treatment of some of the greatest sons and daughters of the soil is a sore point with most of us. They should be unconditionally released immediately. It will only have a bitter taste in the mouth to talk about it so I shall hold my soul in peace and merely make this reference.

I have to bring to the notice of this House a special case in Sitapur District. Settlement took place there three years ago; only one tahsil was settled and three tahsils were left unsettled. Settlement was announced in one tahsil and the operations were suddenly stopped in the remaining tahsils. That one tahsil has already to pay the proposed enhanced revenue while the other three tahsils are still paying the old settled revenue, I ask is it fair? No doubt we have been given an extra remission over the newly announced revenue which after remissions comes to about 15 to 18 per cent. over the old revenue. Is that equitable, Sir, in the case of a district which consists of four tahsils? Why should persons or zamindars of one tahsil be penalized while others in the same district enjoy the old benefits. A saving of Rs 25,000 has been shown under hill exodus. We all have been complaining for a very long time—long before this depression—that the hill exodus should be stopped, but the saving of Rs.25,000 which the Government has now effected is merely nominal. That

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means only a certain number of clerks are not going to the hills. It is so nominal that I should not be sorry if it were to be restored.

As I have already referred, the Medical budget has been cut down. There is plenty of suffering and sickness in the country and people in certain areas are dying like flies. It is quite likely that we cannot just now afford to open more hospitals, but surely we can adopt some cheap treatment and give grants to district boards in order to enable them to get their teachers and village post masters trained in the art of some indigenous system or preferably Homeopathy, which is the cheapest system of treatment. There is one expert of Homeopathy in this hall whose services have been availed of not only by officials but also by non-officials in this House and outside this House and they can very well speak about the efficacy of the system. It, being the cheapest system of medicine, has been adopted by the Bengal Council and it is proposed to give grants to district boards. Medicines worth Rs 5 can suffice for a month for the treatment of 30 to 40 people a day. As an experiment it is worth trying and I would request the Hon'ble the Minister to introduce it at least in some districts if not in all immediately.

Sir, the plight of zamindars is well known. The remissions of rent that have been allowed for the last two years have been disproportionate to the remissions in revenue. Now it is said that they are going to be more or less a permanent feature. It has often been said that when the new constitution is introduced the position of the zamindars would be worse still and God alone knows what calamities may overtake them. I for one think that zamindars could not be more badly treated by any Government than the present Government in these matters. It is only a question of dying slowly or dying quickly. The Government has shown absolutely no consideration. We were assured last year that those who paid their revenue to the extent of 75 per cent. will be dealt with leniently. That assurance was confined only to the four corners of this House. It was never acted upon. Coercive measures as usual were adopted by the different district magistrates and no concession whatever was shown. If the zamindars continue to pay their revenue, it does not show at all that they are prosperous. How they pay is best known to them. But it is to be noted that they cannot possibly pay on like that for very long. Their position is getting from bad to worse. They have always stood by the Government and it does not look proper that they should be thrown overboard at the present juncture. With these observations I close now.

The Deputy President : I find that there are a number of honourable members who want to take part in the general discussion and the time for the non-official members to speak is not very much left. May I suggest that the honourable members will be rather brief in their speeches?

Shaikh Muhammad Habib-ullah : Sir, I shall comply with the request of the Chair most loyally. Of course, budget discussions cover a very very wide range. One can talk from politics down to the tilling of the soil, but I will confine my remarks only to the financial aspect of the budget.

The previous speakers have all said that this budget as presented shows by its reading superficially that it is a surplus budget. I quite agree with them in that that we are better by 22 lakhs this year as compared to last year according to the budget figures, but if the makers of the budget would have taken to show better results perhaps it would have been still better. You will find from the perusal of the budget that against the minus 120 lakhs last year we are minus 98 this year. This means we are better by 22 lakhs. The budget if examined will tell us without any trouble that the budget makers had at their disposal for the year 1933 and 1934 an amount of 25 lakhs, the instalments which they had to pay for an old debt, of which the last instalment is being paid this year. Besides this in making new investment, that is by conversion of their old loan to the new loan they got a surplus of about 9.16. Of course it was very difficult for them to have been very accurate in calculating that no such surplus was left, but having got it they are going to use it in order to reduce the deficit. Another six lakhs they got by means of sinking fund, which would have been normally 20 lakhs, and now they have got to provide only 14 lakhs. Thus they got 40 lakhs clear. That is 25.9 and 6. In addition to this there is an increase of 30 lakhs in the excise revenue. This brings them right up to 70 lakhs. Well this being the fact, may I know if we can praise them for having shown a surplus in our budget of only 22 lakhs? Well Sir, I come to the budget makers. They are no doubt a very able body of men with old established reputations. Each one of them is a tried veteran and it is only natural that the loss of one of the best of them is being felt and that is Mr. Teyen. Having got such an able body of men I say that it is disappointing to get a budget which could not give us a better reduction than 22 lakhs instead of 60 lakhs. But I know their difficulties. Well they may be very good budget makers, they may be of old established reputation but they had to make things to order. When you make a thing to order, when it is not your own design, you have got to mould it according to the order. This is what I say in their defence that they have not done it as they wanted, but as they were ordered to do. Sir, in this connexion there has been some criticism offered as regards the policy which brought about the extra 30 lakhs, that is the excise policy. I think I need hardly say anything about it although it is a matter of policy and it can be discussed. But I will dispose of it very quickly by saying that that policy has been confirmed by this House by a voting of 58 to 22. What I say about the policy is that I have voted for it not because it is a policy which strikes at the root of drinking but it is a policy equally good or equally bad as the one which it has replaced, and it is a policy which has been adopted by a Minister who has been rather courageous in adopting that policy. I give him only the credit of being courageous and of having the courage of his convictions. It makes no difference in temperance either way. In fact while studying this problem I read the other provincial reports about excise administration and I saw especially Bombay and Madras. In Madras I think it is well known that the province mostly depends on the income from excise while in Bombay they have introduced some years ago the auction system as against the surcharge system and that system is in vogue today. Now whatever may be said about the policy of the Minister who has

[Shaikh Muhammad Habib-ullah]

added 30 lakhs to the income there is certainly one criticism levelled against him and in that I quite agree. He ought to have seen that that money which has thus come to the coffers of the Government was spent in connexion with the nation building department of which he is in charge—that is education. He ought not to have allowed the Finance Department to snatch that money out of him. Of course he has been only for a short time and if he were to go and inspect the needs of his department especially at the centres of the Universities, he will find that there is a lot of important work to be done on which money should be spent. People criticise the University education. They are quite at liberty to do so, but they cannot criticise the specialised University education which requires more expenditure, and perhaps small outturn. I speak of the Universities at Allahabad and Lucknow and specially of the Medical College, which is the only College in the United Provinces in which money can be well spent if we want medical education at a high level. If anyone wants to look into its needs one has only to look at the Anatomy Department Museum, etc. and see how badly equipped it is. In fact we spend the money over and above the College budget. But when the Government shows stinginess one does not know what to do. Now Sir, while the Government have been able to reduce their deficits in this manner and still they have failed to carry out the retrenchments as recommended by the Committee they have done something which I think they will find it very difficult to defend. To me it will be a surprising fact that the House while recommending the retrenchment by Government will agree to the restoration of the cuts in the salaries of its servants whether they may be Provincial or Imperial. I do not only blame the Government, but certainly I equally blame the members of the Services to have accepted restoration. Have they got no sense of public duty. Do they consider for a moment that they are eating the salt of this country, and that they should be true to their salt, especially the Indian element. They are equally responsible in this matter with the Government.

The Hon'ble the Minister for Education : What about pension.

Shaikh Muhammad Habib-Ullah : I should like my pension reduced tomorrow. I am glad the Hon'ble the Minister has put this question. I am aware that the Ministers have reduced their salaries from Rs. 5,300 to Rs. 3,000 either on the ground of economy or on the basis of what they are worth and that the Hon'ble the Home Member has already voluntarily reduced his salary. But other services who get a salary from the Indian finances have shown a very great lack of sympathy and loyalty to the country whose salt they eat, and it is still time that they ought to refuse to take the cut back so long as the present conditions exist. Now Sir, I must say a few words as regards the attitude of Government in the matter of remissions of revenue as against the treatment they have held out to the members of their own service. They are not perhaps well acquainted with the conditions of the people outside the services otherwise they would not have adopted such an attitude. Now the question has been raised about the remission of revenue as being against all rules and fairness, and of course it is admitted by Government that it not within the law

therefore they do it under administrative orders. Well, are they fair now? They say they are. Why? Because they have retained the same figure in the remission of revenue for the next year, although they believe that prices will be better in relation to remissions in rent. Well, Sir, I warn my landlord brethren not to fall into this trap. If the Government want to reduce the rents, let them do so. But for goodness' sake, let no landlord recommend such a measure. I think their game is this—that these rent remissions have been reduced on the recommendation of such and such a Committee. We are not going to recommend any lesser remission in rents; we are going to maintain them, and even if the prices go up we should let them remain so for a year or two so that the tenant may recoup the losses he has sustained. I should like to ask my landlord friends whether any of them has been able to collect rents left after the remissions. So, it is a great mistake to accept that position—because prices will be better, therefore there will be less remissions in rents. We do not want less remissions in rents. We deliberately ask Government not to do that in the interests of the tenants on whom depends the prosperity of the country.

I should like to have from the Hon'ble the Finance Member information particularly on one point. There was a question the other day by the member from Bulandshahr in which he asked: "Will Government suspend the payment of the enhanced instalment of revenue since 1339, and if it has realized it will it refund it?" The answer was rather of a character which, I think satisfied the gentlemen who put the question but which, when examined later, did not satisfy. May I ask a definite answer to this question:—Will the instalments of revenue, new or old, introduced since 1339 be taken by Government for the year 1340 or not?" There is no question of refund. I understand that, because it will be too much to ask for a refund. But will Government realize the instalments of revenue which have been increased since 1339 or not? I want to put this straight question because on the reply to this question will, I think depend the attitude of the landlord members of this Council in dealing with the different items of the budget that will be put before us.

It is time that I resumed my seat, but before I do so I may again draw the attention of the House to the debt position. I have drawn a picture of the budget, and the closing balance has been shown in the budget estimates—that it is minus 98 against minus 120. I may point out again that today these provinces are in debt to the extent of 21 crores. Does it show that these provinces are financially out of danger or does it show that they are in a position which we may call dangerous.

Such is the position of the province so far as the finances go. Whose mistake it is, whose mistaken policy it is, every one knows. I do not think it is the Legislative Council that has embroiled these provinces into a debt of 21 crores. The responsibility rests on those who know it very well.

With these words, Sir, I resume my seat.

Mr. Zahur Ahmad : Before I proceed to make my observations on the budget I should like to join with other honourable friends in what they have said about the Finance Secretary, Mr. Teyen. The Hon'ble the Finance Member has rightly described him as a "budget-maker" and has said that his impending retirement is another calamity to

[Mr. Zahur Ahmad.]

these provinces. Mr. Teyen has been a very courteous and sympathetic friend to all members of the Council. He was always willing to give any help that was required of him. We are all sorry to lose him and wish him happiness and prosperity in his retirement.

The saving of twenty lakhs, in salary cuts which we thought would be utilized on other important objects, has, we find, been used in the restoration of the cut in the pay of servants of the State. I mean the restoration of 5 per cent. cut has cost Rs.20 lakhs. We had thought that this saving plus all income from excise and stamps total about 42 lakhs would be utilized towards reducing the land revenue which the zamindars have to pay to the Government. But the Government thought that their own servants with reduced salaries were more useful than the zamindars, who have always stood by the Government in difficult times. The zamindars have, of course, got lip-sympathy from the Government. They have been assured that an expert officer has been appointed to devise for them some formula which it is hoped would give them some satisfaction. The Hon'ble the Finance Member has evidently not given adequate and sufficient consideration to the fact that the absence of rain in the winter and the recent untimely rain and frost have done much damage to the *rabi* crops, and it would now be very difficult for the zamindars to pay their land revenue to Government. The Government's lip-sympathy reminds me of a couplet of the famous Ghalib, which the Hon'ble the Finance Member would find most apt on the present occasion. It says :—

کیا غمخوار نے رسوا لگے آگ اس محبت کو
نہ لائے تاب جو غم کی وہ میرا رازداں کیوں ہو
وفا کیسی کہاں کا عشق جب سر پہوڑنا تھہرا
تو پہر اے سنگ دل قیرا ہی سنگ آستان کیوں ہو

It means that when the sympathy of the sympathiser does not redress the grievance it should be burnt to ashes and the sympathiser as such has no claim to be in the confidence of the aggrieved and that when one has eventually to break his head what is the use of loyalty and love and it is, therefore, only proper to break his head on the gate of another person than to break it on the stony gates of stone-hearted masters. It is all very well to say that we will do this and we will do that, but when the time comes, nothing is actually done. But the Hon'ble the Finance Member knowing as he does the sad plight of the zamindars and their inability take any action against the Government may be told by some of his zamindar friends that the zamindars have come to such a condition, that they cannot go against the Government in spite of the Amli zamindar policy of the Government—

اس تغافل پر بھی کرتے ہیں قہری کو یاد ہم
اس قدر معذور ہیں اور بانی بیدار ہم

I think the Hon'ble the Home Member and the Hon'ble the Finance Member believe in the above couplet of Hasrat and, therefore, don't seem to attach any importance to what zamindars say. The zamindar

has now to consider whether he is going to suffer all these miseries at the hands of the Government, who wish to do every thing in favour of the tenants and nothing for the zamindars. The zamindars should raise their voice of protest against the restoration of 5 per cent. cut which costs 20 lakhs and the utilization of 18 lakhs income from excise in other directions. Another question allied to this very question is that in these turbulent and stormy days when the tenants have been incited not to pay a single pie to the zamindars, the zamindars' firearms licences are being taken away by the district authorities. I cannot understand what is going to happen to the zamindars and to those loyal persons in the districts and villages who possessed firearms and are now being deprived of them. The fact is that they will have nothing left to save themselves from the onslaughts of the agrarian agitators. On the one side they are being starved and on the other side the instruments of their protection are being taken away from them. I hope that the Hon'ble the Home Member will consider the question of confiscation of arms licences and will not treat the zamindars like extremists, murderers and terrorists in the country.

There is another question about which I want to say a few words within the limited time at my disposal, namely, the question of the employees of the Government Press at Allahabad. The recent orders issued over the signature of the Judicial Secretary to the Government are that the employees of the Government Press should be confined in the Press for nine hours every day instead of $6\frac{1}{2}$ hours. They have to be in the Government Press from 8.30 in the morning till 5.30 in the evening, i.e., nine hours. As many honourable members of the House are aware, these press employees are residents of suburbs of Allahabad. Most of them live at a distance of four or five miles from the city. They have, therefore, to start from their houses at about 7 a.m. or 6.30 in the morning, and leave the Press at 5.30 p.m. and reach to their homes at about 6.30 or 7 p.m. This they have to do all through the year even in the winter and rainy season, which is really extremely hard to them, and it should be noted that if they are late by a few minutes their salaries are cut. Thus the whole day from morning till evening they are in the press. They cannot look after their children and other household affairs and if any one in their family is ill and indisposed they cannot even reach a doctor or hakim. For this change which is introduced from 1st January, 1933, they have been told that they would get 10 per cent. increment. Only two or three years ago the Government issued an order to the effect that they would have to work for $7\frac{1}{2}$ hours and will get 20 per cent. increment, but they refused on the ground that they would have to spend the whole day in Government service which would be very hard on them. Now they are ordered to work for 9 hours a day instead of $6\frac{1}{2}$ hours for which they will get only 10 per cent. increment. They say that they have no objection in the least to accept this order of the Government, provided they get the same facilities and concessions which had been awarded to the press employees of the Government of India in Calcutta, Delhi and elsewhere. The Hon'ble the Home Member would like to know what are those? I just give briefly the concessions which are given to the press employees in the Government of India in comparison to the employees of the Government Press at

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Allahabad. In the Government of India Press at Delhi piece compositors who are present in office are given full wages according to the class even when there is no work, while in the Government Press they are given nothing, even though they may remain the whole day in office. Similarly, in Government of India a first grade piece compositor, if he works for one hour, is given wages at the rate of 10 annas 2 pice per hour. Here in Government Press at Allahabad they are given at the rate of 5 annas per hour. In Government of India Press regarding the leave those who have got 10 years' service are given sixteen days' leave in each calendar year, while there is no such leave given here in Government Press. In Government of India those who have got more than 10 years, get 23 days in the year, while they get nothing here. As to medical leave, a permanent compositor is given one month on half average pay, while in the Government Press here, nothing is given. As to casual leave, this sort of leave is given to them at 15 days in a year, temporary compositors get one day's leave in the King-Emperor's Birthday, but no holiday of any kind is given to either temporary or permanent compositors in the Government Press, Allahabad. When the employees of the Government Press at Allahabad work from 9.30 to 4.30 in the evening, they can look after their home and their people. But now, when they are made to work from 8.30 to 5.30, they have no time left to them to look after their household and private affairs and their misfortune is that they will not get the same privileges which the Government of India pressmen get.

My honourable friend Munshi Gajadhar Prasad asked certain questions only the other day and the reply given was that the same concessions are given to the Government Press employees at Allahabad as are given to the Government Press employees under the Government of India. I have read the comparative statement just now before the House which shows that the reply given to Munshi Gajadhar Prasad was not according to facts. I, therefore, humbly submit that the Hon'ble the Home Member be pleased to consider how far this order of the Government is justified in view of the circumstances mentioned above. The 10 per cent. increase which is promised to them is no monetary gain to them, and in the representation which they have made to the Hon'ble the Home Member, they have said that they are going to be loser by that. In the past when they were working under the time-scale it may be that they used to get a little more, but that is not the case now. Therefore to compel them now to work for nine hours a day without any real increment is really very hard, and I submit that the 2,000 employees of the Government Press will be very hard hit if this order is going to be thrust on them.

At this stage the Hon'ble the President took the Chair at 12.50 p.m.

There is another point on which I wanted to say a few words, but owing to time I will not be able to develop and so I will say only one word about it. Some honourable members have referred to auction and surcharge system.

The Hon'ble the President: May I say that there should be no repetition of the discussion on this matter. We have had enough of excise. We must go on with the budget. We are hard pressed for time.

Mr Zahur Ahmad: I was going to examine the question on its merits but in obedience to your wishes I will not enter into the question now Sir. In the end, Sir, I would like to say that we expected that some provisions would be made in the present budget to encourage educated young men to take up small industries in the rural or urban areas to reduce the unemployment, but we are surprised not to find any such provision inspite of the fact that the Council unanimously adopted my resolution to subsidise industries on the lines formulated by Mr. Chintamani when he was a member in 1921-2. I hope that considering the increasing unemployment the Hon'ble the Minister will find his way to make some provision in the supplementary budget.

Mr. C. Y. Chintamani: Mr. President, when last year my honourable friend the Hon'ble the Finance Member introduced his first budget I was sorry to be unable to be present and to offer him my felicitations on his debut in Council as the head of the department in which he had done so much work for so many years and with so much distinction.

I now avail myself of this opportunity of congratulating him on his restoration to health and on his return to us, though less bulky in form, as alert and vigorous and healthy as ever he was. It is the convention for honourable non-official members to begin their speeches in the general budget debate with congratulations to the Hon'ble the Finance Member on the lucidity of his statement. The congratulations have lost much of their meaning and reality as they are repeated parrot like even when the budget statement is anything but clear or lucid. I would assure my friend the Hon'ble the Finance Member that if I congratulate him today, to employ conventional language, on the lucidity of his statement, I do so not in a formal sense but seriously and really because even one who is utterly unversed in the intricacies of finance will have to admit that a confused and confusing situation has been made very clear by the masterly presentment of the facts, divested of details and of irrelevant matter, in the statement which the Hon'ble the Finance Member presented to the Council. Whether I can extend my congratulations from the form to the substance of the budget I will not say at this moment as that will be apparent in the next few minutes. Proceeding from the Hon'ble the Finance Member to the Finance Secretary, I would endorse the high praise given by the Hon'ble the Finance Member to Mr. Teyen who is about to relinquish service. I have known Mr. Teyen for many years, first when I was a member of the Finance Committee and then when I was in the Government of the United Provinces and had to take assistance from him and since then as a member of the Opposition, have had to go to him many times for information on many points. I am glad that the Hon'ble the Finance Member has made particular mention of Mr. Teyen's amazing memory. There is one more point. Mr. Teyen has not only mastered every detail of the finance of almost every subject with which the local Government has to do, but carries the knowledge of detailed figures at his fingers' ends, and at a moment's notice he can come to the help of the Hon'ble the Finance Member or Minister, whenever elucidation of any fact is required. It is certainly a real loss to Government that he is about to leave service, and I join the Hon'ble the Finance Member in wishing him happy

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years of repose in the evening of his life. It is fortunate that our next Finance Secretary is to be Mr. Sathe. He will be the first Indian officer to hold the post of Finance Secretary. I do not mean by Indian a statutory native of India. A few years ago it was my ungrateful duty to take Mr. Sathe severely to task for one of his Administration Reports as Excise Commissioner. I have nothing to withdraw from what I said on that report, but I wish to say now with experience of Excise Commissioners since his time and of the administration of the department since Mr. Sathe left it, that I could wish that he was still where he had been, for I recall a proverb in for my own language which say that a man who only kills fowls is succeeded by a man who kills animals, and therefore it was imprudent for one to wish for a change. Mr. Sathe has long been known to many of us as a man who is extremely conscientious and hard working and who has a heart of gold. Not only this; he is very able. If his ability is not of a spectacular variety, it is nonetheless real and substantial. I was interested a few months ago to find that the local Government deemed it necessary to depute Mr. Sathe to Simla to learn his lessons in Finance before he could be safely entrusted with the office of Finance Secretary. I wonder whether there is any precedent for the local Government to afford such an opportunity of training to a would-be Finance Secretary. I do not know why they deemed it necessary in the present case. I hope it was not because they thought they were making a daring innovation in allowing an Indian I. C. S. officer to be Finance Secretary and therefore it was necessary for them to take this precaution. However that might be, Mr. Sathe is here, and I join the Finance Member in expressing my high sense of Mr. Sathe's ability. I not only trust but am confident that Mr. Sathe will prove to be one of the ablest men who ever held charge of that office, to the extent that limitations of service will enable him to do so and will give every satisfaction to his sternest critics.

In dealing with the budget before the House I shall largely go upon the annexure to the budget—the historical account. We can test the generic statements of the Finance Member in his statement by reference to the detailed statement of facts and statistical statements in the annexure. From the annexure certain things are clear. While the figures of gross revenue are less by comparison with earlier years, the net revenue obtained after deduction of the provincial contribution is substantially more. When we talk of the lean years 1931-2, 1932-3 and 1933-4, let it be remembered that the net revenue of even these three lean years is more than the net revenue of any year from 1921-2, the first year of the reformed constitution up to 1926-7. But the expenditure in these three last lean years is more after the retrenchment for which credit has been taken, than in any year up to 1927-8 and more in 1931-2 than in 1927-8. When we are told that everything would have been all right in the financial world but for the economic catastrophies of the last three years, it is relevant to remember that notwithstanding these catastrophies, the net revenue of the Provincial Government has been more in these very years than it was before. While after all the talk there has been of retrenchment the expenditure has also been more than in these earlier years. Between 1921-2 and 1933-4, the year of budget, there have been

10 years of deficit as against only three of surplus. These three include the coming budget year. The aggregate net revenue of the last 13 years is Rs.153,79,40,000 while the aggregate expenditure of the same period has been Rs.158,45,80,000 leaving a deficit of Rs.4,66,40,000 not of 293 lakhs as has been made out in the budget. The fact that the net deficit is so much as Rs.4,66,40,000 is partially concealed by the opening balance of 1921-2 which was Rs.88,87,000, by the transfer from the Famine Insurance Fund to revenue account of no less than Rs.84,60,00 a transfer of the legality of which there was much doubt, a doubt which was shared by the Director of Audit or the Accountant General—and the Finance Member will pardon me for the strong word, by the misappropriation from the Development Loan of the huge sum of Rs.1,18,63,000 in order to meet revenue deficits. It is by these three devices that the deficit is made out to be no more than Rs.1,74,21,000. In actual fact when we take straightforwardly the figures of revenue and the figures of expenditure and leave out of account the proceeds of the loan and the Famine Insurance Fund and the opening balance of the first year of the reformed Government, the excess of expenditure over income is no less than Rs.4,66,40,000. This in spite of the fact that twice or three times resort has been had to new taxation. This is the plain, unvarnished tale and the Hon'ble the Finance Member's attempt at minimizing the effect of the thirteen years of finance of the reformed Government is of the nature of window-dressing in which banks of shady character are known to indulge. The Finance Member said in his budget statement that but for natural calamities there would have been no deficit whatsoever instead of his having to speak of a deficit of 178 lakhs, and so on, but the explanation that has to be given is not merely of this figure but of this excess deficit of more than four and half crores. The conclusion is irresistible that the Local Government has from year to year lived beyond its means. If the Local Government has been in the position of a private individual, who is bound, if he was not to figure in the Insolvency Court, to regulate his expenditure by his income and not to go on manipulating his income so as to suit his own whims and wishes with regard to the scale of expenditure, I do not know what its plight would have been in the face of this repeated excess of expenditure over income. In paragraph 13 of his statement, the Finance Member said:—

“It is obvious, therefore, that if 1930-1 to 1933-4 had not been so economically depressing, we should have been well within sight of the total extinction of a deficit which has persisted from the very first year of the reforms.”

This is a statement which he will not be able to sustain when he bears in mind that he has reduced the figure of deficit by taking credit for the appropriations from the Famine Fund and the misappropriation from the Development Loan Fund. I cannot help saying that this sentence which I have quoted from the Finance Member's statement is an example of amazing self-complacency which I have not learnt to associate with his name and which is utterly misleading as a statement of the actual position.

Now, Sir, I come to the surplus which is shown for 1933-4. How has that surplus been obtained? You have only to look at the figures of excise revenue for 1932-3 and 1933-4 and you will at once find the

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explanation In paragraph 17 of his budget statement the Hon'ble the Finance Member said that "the year 1932-33 showed some improvement of excise revenue at 118½ lakhs, and 1933-34 stands at 139½ lakhs as against an average of 132½ lakhs for the seven years ending 1929-30." In 1921-22 there was a fall of 62 lakhs in excise revenue as compared with 1920-21 and in 1922-23 there was a further fall of eight lakhs.

Yesterday, Sir, we heard in an eloquent speech from an honourable member who is too proud to degrade himself to my level that the Minister did well in taking steps to increase excise revenue in the absence of a policy of prohibition and total abstinence. I wonder that it was the same honourable member who in 1922 was full of superlative congratulations to the then Government on having achieved this fall of 62 lakhs and of a further eight lakhs in excise revenue although neither in 1921-22 nor in 1922-23 was there a policy of prohibition in force. It fell to me then to point out that too much should not be made of this fall of 62 lakhs in view of the vigorous policy of Congress picketing of liquor shops which was then in force. Later, in 1931-32 the excise revenue was only 108½ lakhs, while in 1932-33 it is 118½, and in 1933-34 it will be 132½ i.e., in two years there has been an increase of 24½ lakhs. Compare the figure of the surplus which the Hon'ble the Finance Member is able to point to with this growth in excise revenue, and let honourable members see to what circumstances he owes that surplus. Next let the question be put from where this increased revenue of 24½ lakhs from excise has come? Has it rained from Heaven? Has it come from overseas? Evidently it has been paid by somebody for some purpose. For what purpose has it been paid and who is the payer? The questions suggest the answers. The 24½ lakhs of additional revenue from excise in 1932-33 and 1933-34 represents the quantity of more drink and of more drugs which have been consumed by the people and which are expected to be so consumed. Shops are auctioned and money is recovered from increased sales. Therefore I am not disposed to give credit to the Hon'ble the Finance Member for balancing his budget and to join in the congratulations which have been offered to him upon that circumstance. The Hon'ble the Finance Member thought fit in a generous moment to come to the help of journalists struggling for an appropriate heading for the budget when they printed that statement in their newspapers and suggested as the heading "Equilibrium restored" and something else. I am not prepared to accept his suggestion "Equilibrium restored" as a correct description of the budget unless he consents to the addition of the words "by means of increased drink and the revenue therefrom."

Next, Sir, proceeding with this annexure I would refer to police expenditure. The opening sentence of paragraph 39 which deals with police expenditure is in these words:—

"The expenditure under this head was 1,67,48 (thousands) in 1920-21 and in 1930-31 it was 1,78,158"

Times without number has it been dinned into our ears that too much economy has been practised at the expense of the Police department, and the last sentence of this very paragraph 39 is "Retrenchment is writ large in the figure of 1,70,47 (thousands) for 1931-32, because the

expenditure as compared with that of 1930-31 was about 8 lakhs less. Therefore they say retrenchment is writ large in the latter figure, but it is forgotten that expenditure under this very head in 1920-21 was 1,67,48,000 less by 3 lakhs than the latter figure the interpretation of which according to the Finance Department is that retrenchment is writ large upon it.

I next invite attention in this annexure to the tabular statement in paragraph 44. That gives us figures of variations of expenditure under different Heads in the Department of Education. I find from this that, taking 100 to represent expenditure in 1920-21, expenditure on university education in 1929-30 was 179, an increase of 79 per cent. on secondary education it was 188, an increase of 88 per cent.; on primary education 178, an increase of 78 per cent.; on special education, a very small item of 3,45,000 which rose to 6,80,000 in 1929-30 the increase was of 221 per cent. When the amount is small the percentage rise is naturally larger than when the amounts involved are large.

Now we come to "General charges." I was struck by this figure. As against 100 in 1920-21 and 118 in 1921-22 it was 177 in 1929-30. So the increase of expenditure under the head "General charges" between 1920-21 and 1929-30 was no less than 77 per cent. as against increases under the substantive heads of university, secondary and primary education of 79 per cent., 88 per cent. and 78 per cent. One circumstance that will be mentioned as explaining this increase is the establishment of the Board of High School and Intermediate Education. Make allowance for that by all means. Still I think the burden of proof is on the department to show that it is justified in making this large increase of overhead charges in a department like Education, where the substantive expenditure upon education, strictly so called, by no means kept pace with the requirements of the people. Not only not kept pace with the requirements, but where the pruning knife has been most unwisely applied in the name of retrenchment during the last three lean years.

Mr. A. H. Mackenzie: May I say that the so-called overhead charges include scholarships and libraries.

Mr. C. Y. Chintamani: I am disposed to accept the statement of fact made by the Head of the department as he is in a position to know. I will still plead not guilty to any possible charge of misinterpretation or misrepresentation of the figure. These figures are furnished in an official document called the Annexure to the Financial statement and issued by the Finance Department. They classify educational expenditure as university, secondary, primary and special. Scholarships must certainly be granted to students either in universities, or in secondary schools, or in primary schools or in special schools. Common sense suggests that the cost of these scholarships would have been distributed between the several heads according as they are granted to university students, or students in secondary schools or ordinary primary schools or special schools. If for some reason unknown to us a number of items which would have been distributed under the proper heads, were lumped together and put forward as general charges, which phrase conveys to the reader the idea that these general charges are the charges on direction,

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administration and inspection which could not be classified under other heads, the fault certainly is not of the critic but of the Finance Department or the Education Department, or both. I leave it to them to settle the affair between them.

Sir, in connexion with the increased Excise revenue, which has come to the rescue of the Hon'ble the Finance Member, I will supplement what I have said by just one or two words. I hold in my hands a newspaper of the most approved variety called the *Pioneer*. It is common knowledge that a member of the Government who is by no means unfamiliar with excise, is Chairman of the Board of Directors of this newspaper. This newspaper represents that member of the Government—I read here the name of the United Provinces Excise Minister—"As our Artist sees him." And what is there? In the hands of the United Provinces Excise Minister is a bottle of liquor labelled "the stuff" and below is this letter press "he has got his revenue." Now, Sir, this has not appeared in a newspaper which loves sensational headlines to which reference was made by the selfsame Minister in a previous speech of his. It appears in the most approved, the most respectable newspaper, owned by the Minister and by the British Indian Association of Oudh whose representatives are here. That paper presents to the world this bloated figure of the Excise Minister with a bottle of liquor in his right hand and with the self-gratifying letter press "he has got his revenue" below that, and more in words the paper says the United Provinces Minister as "our" Artist sees him—that is the Artist of the *Pioneer*, not the artist of other papers. If without impertinence I can make a suggestion to the *Pioneer's* artist as the subject of his next cartoon, I would say this. Either just a little behind the Excise Minister or a little apart from him the figure may be presented of the personality who combines the roll of representative of a Chamber of Commerce and President of a Sanatan Dharma Mahamandal offering his reverential felicitations to the Minister for the same thing—"He has got his revenue" and offering further blessings that he might get more and more. I have already referred, Sir, to the boast made by that honourable member yesterday that he would not degrade himself to my level. I thought not. Why should he, a real live Rai Bahadur, a flourishing man, a leader of the Bar—who would think that he would become so unworldly as to degrade himself to the level of a poor famishing editor of a newspaper? Besides, as a votary of Sanatan Dharma he must be fully alive to the virtue of gratitude and, Sir, who does not know the definition of gratitude. . . .

Rai Bahadur Babu Vikramajit Singh: I rise to a point of order—Is Sanatan Dharma also involved in this matter?

Mr. C. Y. Chintamani: And who does not know, Sir, the definition of gratitude in the English language as a lively sense of favours to come? Sir, speaking with greater modesty and humility I will not say I will not degrade myself to his level, I will rather say I cannot think of exalting myself to his eminence and therefore I will not attempt to pursue the path of preaching prohibition and abstinence through the door of auction and increased drink.

The Hon'ble the President: In that case the honourable member had better continue after lunch.

The Council was adjourned for lunch at 1.30 p.m.

After recess the House re-assembled at 2.15 p.m. with the Hon'ble the President in the Chair.

Mr. C. Y. Chintamani: Sir, there are a few more points to which I wish to invite the attention of the Council. In spite of the circumstance that admittedly the Government is passing through lean years there has been no tendency to restrict expenditure which might be described not unfairly as avoidable or superfluous even if it were absolutely harmless. I find provision made in the budget for the continuation of the Publicity Department arrangements and the expenditure thereon. I speak not only for myself, I speak the mind of many who may not be here when I say that the costly activities of this department are not half as beneficial or successful as Government seek to make out. As I ventured to say on a previous occasion, you must remove the master of grievances before you can expect propaganda of any apologetic publicity department to make an impression on people's minds and to draw them nearer to Government. Her Highness the late Begum of Bhopal told a former Lieutenant-Governor of these provinces, Sir James, now Lord Meston—and my informant was Lord Meston himself—she told him that the two fruitful causes of revolution were the existence side by side of hungry masses and discontented classes. I ask the Government in all commonsense to say whether both these factors are not present in existing conditions and whether it would not be wiser for them to deal with these two root causes and to see that the hungry masses are fed and the self-respecting and discontented classes are satisfied instead of wasting money upon activities which from their very nature are bound to be fruitless. Judged from the nature of the speeches delivered by Publicity Officers one comes to the conclusion that the deepseated motive of the activities of this department is to influence the next election under the new Act in such a manner that the majority of persons returned to the first reformed Councils may be such as may be approved by those in authority now, and not belong to another class who as critics do not meet with their approval to the same extent. I strongly object to the continuation of expenditure on departments such as the Publicity Department in a financial season when necessary beneficial items are cut out. That they are cut out I will presently show.

Before proceeding, however, to that part I will draw attention to the arrangements for the reporting of Council proceedings which are in the hands of the Government. I drew attention to the subject once before and I do so again. I think Government are practising very ill-advised economy in respect of these arrangements with the result that the transcripts which members get are oftener than not speeches, many parts of which were not delivered in the form in which they are reported and it becomes a matter of great difficulty for members who are asked to return these transcripts in double quick time to perform the task, the nature of the reporting being what it is. I do not wish to do injustice to any individual member of the reporting corps present here. I am quite sure they are honestly doing their best and when you read the names on the margin of these transcripts you get

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you find that the portions reported by some of the reporters are indeed admirable. But it appears to me that they include persons of very unequal merit. On a previous occasion it was stated on behalf of Government that they could not afford to spend more. I could not help an irreverent smile at hearing that. Government can afford to spend whatever they like on projects dear to their heart but they say they cannot afford to spend money to improve the Council reporting arrangements.

I do wish that an arrangement might be made by which the whole of the reporting arrangements might be made over to the control of the Hon'ble the President on whom the law lays the responsibility for the preparation and presentation of regular accounts of the Council proceedings instead of this dyarchical arrangement, as the Hon'ble the Deputy President called it once from the Chair, of the responsibility being imposed on the Hon'ble the President and yet the arrangement being under the control of the Executive Government.

The other day in the Council of State the Secretary to the Government of India in the Home Department supplied the information to an honourable member of that body, that of the amount spent on the Meerut Conspiracy Case the Government of the United Provinces bore an expenditure of Rs.1,46,193 from the provincial revenues. It will be remembered that once the Council divided on the inequity of this arrangement. The Government of India were in entire charge of the Meerut Conspiracy Case; it was they who instituted the proceedings; it was they who made all the arrangements, and yet because they chose Meerut as the place of trial to the detriment of the accused that however is not the point now—and because of the geographical accident of Meerut having been chosen as the place they burdened the local Government with the expenditure of Rs.1,46,193. I must repeat my protest against this, and I appeal to the local Government to act as the true guardians of the interests of the tax-payer of these provinces and to see that the Government of India would refund this amount.

I have said that I will presently show to the Council that necessary and beneficial expenditure is being unwisely curtailed. I would refer to the subject of Education. A Government order was issued dated the 9th January, 1933, to the district board of Partabgarh directing the education committee of that body to continue the reduction of 6½ per cent. in its expenditure on boys' primary schools, compulsory as well as non-compulsory. Government informed the Board that their own grant would certainly be cut and if the education committee of the Board did not make a proportionate reduction of expenditure it would have to find money from its own resources and could not look to Government for help. And yet in respect of the primary schools of this district board the Inspector of Schools reported only last year that about 50 per cent. of the schools were under-staffed. Government also ordered that the salaries of the teachers should not be cut. It is a distinct grievance of the district boards whose financial circumstances are more difficult and more adverse than those of the Government themselves to be asked to go on restricting the expenditure on primary education in this manner. While the budget has been balanced solely

with the aid of increased excise revenue, while that excise revenue has been derived from the operations of the department presided over by the Minister for Education himself, the cause of education is not to have the the benefit of that illegitimate gain but it is to be made over to the Government in general and education is to continue to suffer, I think this arrangement will not commend itself to the sense of fairness of any one.

Then, Sir, reference has been made to the subject of rent and revenue. I desire to support, with all strength and in the most unqualified language, the complaints uttered by my landlord friends with regard to the inadequacy of the relief granted to them in the form of reduction of revenue when they themselves are experiencing the greatest difficulty in realizing rents sufficient to pay the Government revenue and to leave something for the maintenance of themselves and their families. The Government of the United Provinces exists in a province which is agricultural almost entirely. Its revenue is derived more from the agricultural classes than from the non-agricultural. The agricultural classes are made up of the landlords at the top and the tenants and the sub-tenants and others at the bottom, and if the prosperity of the Government is not reflected in the prosperity of the landlords and the tenants and the rest of the agricultural classes, then that prosperity is unreal and artificial and almost illegitimate. I have received during the last few days a numerously signed statement on behalf of the tenants of the Partabgarh district, in which they point out how acute is their economic condition, what an enormous difficulty they are experiencing in paying even the reduced rent, and they call upon me as their representative to take some action to bring about a redress of their grievance. Innocent men they are. They do not know that the magic letters "M. L. C." stand more in reality for "Member of the Lower Class" than "Member of the Legislative Council", which is the nominal appellation. And we are truly members of a lower class in that while we may bark we are not allowed to bite. Once before, the Director of Public Instruction admonished me that while we kept a dog we should not do the barking ourselves. I will not commit the offence of sedition by comparing the high officers of the Government to the position of dogs under us, because the Hon'ble the Home Member will take charge of me when I leave this hall. I would rather say that these dogs are not kept by us, and they, instead of protecting us seem to think that they are paid out of our money in order to bite us. Therefore, the barking has to be done by ourselves and when the barking is done by animals with no fangs, it produces no effect. This is what the simple-minded tenantry of Partabgarh have failed to realize. Therefore they thought that a representation to their representative in Council would produce the desired effect. This suggests other reflections which this is not the place to enter upon, but I will say this, that what the tenants of Partabgarh have stated as being their economic condition is a true indication of the economic condition of the cultivating classes throughout the province, and the unsatisfactory economic condition of the cultivating classes throughout the province is reflected in the equally unsatisfactory economic condition of the landlord class, big and small, at the present moment. In spite of what remissions of revenue Government have made, it is common knowledge that there is almost not one landlord throughout the length

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and breadth of these provinces who feels satisfied that he has got relief adequate to his necessities at the present moment. It is not less true that you will hardly find a tenant anywhere in the province who does not think that the reduction which he has got is commensurate with the requirements of the situation in which he finds himself unfortunately placed. If the Government of this province must depend for its continued existence upon the contributions of the agricultural classes, and if neither section of the agricultural classes is economically in a position to meet the demands made upon it, I need not ask even Macaulay's schoolboy for how long that Government can continue to function adequately and satisfactorily. No amount of coercive legislation or repressive administration can be a substitute for measures of permanent social and economic amelioration which will produce contentment among the subjects and therefore lead to the stability of the State. If in these conditions the Government, instead of addressing itself seriously to the task of so cheapening the cost of administration as to be able to make a permanent and substantial reduction of the demands made upon the tax-payer, the most important being the agricultural tax-payer, will go on at the present rate, nemesis is bound to overtake it. It will not do for them to say "after me the deluge" because the deluge may overtake them even before they have passed out.

What is one to say in such a situation of the policy of a Government which first thinks of the restoration of cut in salaries and not of the necessities of the tax-payer who maintains them. I cannot think of anything more unwise, anything more imprudent, anything more unrighteous, than the action taken under the orders of the Secretary of State in restoring 50 per cent. of the cut in salaries made two years ago, while at the same time all the unrighteous and extravagant and extraordinary concessions called the Lee Concessions continue to flourish. This budget is balanced by getting more money from the vice of people who have not enough even for food, and while expenditure upon such subjects as Education has not been restored, the cut in salaries is partially restored. It has been mentioned in the budget that Education shows seven lakhs of increased expenditure, but it has also been stated that the increase of expenditure not only on Education but on other subjects is due in a large part to the restoration of the cut in salaries. We sometimes are presented with spectacular tabular statements which exhibit an enormous increase of expenditure upon beneficial subjects like Education, Medical Relief and Public Health. But I would invite the attention of the honourable members who have the inclination and the leisure to analyse this expenditure in detail, to see what percentage of it goes towards salaries of high officers—salaries and allowances non-voted—, what percentage goes to buildings, and how much is really substantive expenditure upon the substantive heads of Medical Relief, Public Health, Education and so on. I derive no satisfaction from a mere show of increase of expenditure when the increase is not on the substance we want but upon the trappings. I have come specially here today, in spite of ill-health and Doctor's orders, in order to register my protest against budgetary arrangements which leave landlords and tenants both dissatisfied, which do not restore the grants to beneficial services.

which were cut down under the stress of necessity, which do not show that the recommendations of the Retrenchment Committee have been carried out so far as the privileged classes are concerned, which on the other hand shows that those privileged classes are to have a part of their privileges restored while every other class is left unsatisfied. I do not think that any disinterested person can congratulate the Government on the policy that underlies these measures. The Hon'ble the Finance Member has stated that some recommendations of theirs have gone to the higher authorities with regard to the class of officers with whom the Local Government cannot deal on their own authority. As has been pointed out by previous speakers, they have taken a mighty long time over this matter. These very important items to which the Retrenchment Committee objected are items to which objection has been taken ever since the reformed Council came into existence and yet, while beneficial reforms have not been carried out—while Reform flies through the window, repression, taxation, needless expenditure enter through the door—superfluous expenditure and superfluous appointments continue to flourish as if it were a land flowing with milk and honey and where money can be spent to an unlimited extent upon any object without any regard to its merits. My friend the Hon'ble the Finance Member will understand that these criticisms which I have uttered have no personal reference to him. I am aware of the limitations within which a Finance Member and a Provincial Government act. I am willing to give the present Finance Member the credit of believing that he himself has been exerting and will exert his influence and will endeavour to bring about that wholesome change in policy for which the non-official members have been crying themselves hoarse all these years. But the Finance Member is only an individual. I speak of the system which flourishes, the system which defies criticism, which meets agitation by repression, which thinks to satisfy by nominal concessions divested of reality, and substances which relies more upon buts and ifs and thoughts and safeguards and reservations and provisos than upon substantial concessions which have meaning. Such an arrangement cannot last; such an arrangement is doomed to perish; and the more quickly the Government realize that they must willingly set themselves to bring about changes which will promote the well being and contentment of the people the longer will they remain as a Government and the sooner will they draw the masses to themselves. The people will have reason to bless them, but not for so long as the present system continues.

The Hon'ble the Minister for Education: I am not going to take long in replying to the various criticisms and suggestions which have been made yesterday and today with regard to the departments in my charge. They have covered a very wide field indeed and if I were to attempt a detailed reply, I will go on till tomorrow. We have made a careful note of the various suggestions that the honourable members have made and I wish to assure the House here that we will consider them with the consideration which they deserve. There are several things in regard to which I can hold out hopes straight away. I am entirely at one with several members of the House who have spoken on the subject of improving girls' education. I hope that with the improvement of the finances of the province it will be possible

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for us to do something tangible. We have already the matter under our serious consideration and without going into details I may state that I hope that before the end of the coming financial year we should be able to show some results. The honourable member for the Allahabad University has drawn our attention to the requirements of the Physics block in the laboratory of the University. Sir, I have myself visited the University recently and I am fully cognizant of the need for more accommodation in that department of the University. I realize that we have a great asset in Dr. Saha and we should give him every encouragement possible in order that there may be full scope for his abilities.

Sir, various members have referred to the question of unemployment. This has recently been debated in the Council and I do not propose covering that ground again. Suffice it to say, Sir, that we have the matter under examination and if we can find some solution of this staggering problem we would not be slow to adopt it.

Sir, Khan Bahadur Hafiz Hidayat Husain Sahib has suggested that we should give due prominence to the question of the development of cottage industries. As I said some time ago, we have already a committee looking into this matter. Sir, I am thankful to some members of the House for suggesting that some of the surplus should come to the transferred departments, particularly the Education Department. I would be very pleased, as I need hardly say, to remind my colleague the Hon'ble the Finance Member of this wish of the House.

Sir, I am not going to refer this afternoon to the excise debate, which took place only two weeks ago. The matter has been threshed out and I am grateful to the House for having strengthened my hands and for having supported my action. I would only refer here to the remarks of Rai Rajeshwar Bali Sahib. I am glad that as a respected member of the community to which I belong, he agrees with me over what has been done though, naturally, as Deputy Leader of his party he has to subscribe to a different opinion. Let me hope that he places considerations affecting his community above all other considerations. I have not heard that any motives had been imputed to him in regard to his absence from the excise debate.

Rai Rajeshwar Bali : Except in the *Pioneer*.

The Hon'ble the Minister for Education : Sir, I am not responsible for what one newspaper says or another newspaper does not say. I am sure he was kept away by circumstances over which he had no control. I am also thankful to various members of the House who have spoken in appreciative terms of the attitude which I took up in connexion with the Excise resolution. I would mention in this connexion the names of Khan Bahadur Hafiz Hidayat Husain Sahib, Khan Bahadur Maulvi Fasih-ud-din Sahib and Sheikh Muhammad Habibullah Sahib, who have all been good enough to appreciate my point of view. The only object that I had in view was to save to the Exchequer the money which was being lost without any gain in return. I have not steeped the province in drink, and I can assure the House

that my object was perfectly genuine and *bona fide*. Sir, there are various other matters pertaining to the Education Department about which reference has been made in the course of the two days' debate. But, as the Education Department is coming up for discussion to-morrow and the day after, I would rather not deal with those matters now.

The Hon'ble the Minister for Local Self-Government : I thank the honourable members for the restraint and consideration they have shown in dealing with the departments over which I have the honour to preside, and I assure the honourable member at the very outset that whatever suggestions have been put forward they will receive my most anxious and sympathetic consideration. With these preliminary remarks I shall now proceed to deal with the criticisms made by honourable members of this House. My friend the member for Ghazipur has deplored that full effect has not been given to the recommendations of the Retrenchment Committee. I hasten to satisfy him that we have gone to the furthest limit possible to give effect to the recommendations of the Retrenchment Committee. In fact so far as my departments are concerned we have gone much further than the Retrenchment Committee. So there is no occasion for my friend the member for Ghazipur to think that we have not done enough in the direction of economy and retrenchment. My friend the member for Azamgarh referring to the Registration Department has brought to my notice that he would like time-scale introduced in the Department. I may inform him also that we have got a kind of time-scale which goes a long way to satisfy the service. I am sure what he really seeks is the satisfaction of the people of the Department, that is of the service, rather than anything else and if he has got that in his mind we are at one with him in saying that the present arrangement fully satisfies those who are vitally affected by the system that is at present prevailing in the Department. My friend the Nawab Sahib, I mean Nawab Jamshed Ali Khan, seems to think that in the Registration Department work is likely to decrease and therefore we may go back to the system that we did try some time back and found wanting, and it may be resorted to, namely the tahsildars acting as sub-registrars. The honourable member must be aware that that system has been tried and proved to be useless and a thing that could not achieve the ends that we have in mind, that is the improvement of the tone of the Department and also the yielding of a sufficient amount of revenue. I may refer to the increase in the number of documents in the year 1932-33. It has increased by Rs.15,386. Therefore the work is on the increase. I may also bring to his notice the fact that we have increased the fees. There is also the possibility of the work increasing in the shape of closer scrutiny and closer supervision and there is also the possibility of getting more and more revenue from this Department.

Now, I turn to the remarks of my friend the Hafiz Sahib. He would like to know what has been done in the direction of reducing the number of high officials in this Department, in other words what he calls the top-heavy administration. I may at once inform him that we have already reduced the post of one Inspector of Registration and as soon as the next vacancy occurs, we shall keep that post also in

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abeyance. My friend Mr. Fasih-ud-din thinks that the Veterinary Department could more suitably be put under the Director of Agriculture. He seems to labour under a misapprehension that there are two Deputy Directors and three Superintendents in the Department. That is not so. There are a Director, two Superintendents and three Deputy Superintendents and in future we shall really have only three Superintendents in the Department. I may inform the honourable member that at present we have decided not to amalgamate the Veterinary Department with the Cattle-breeding Department and yet we hope to achieve the result we have in view, namely retrenchment and economy. We have decided upon a scheme by which we shall be going further in the direction of economy and retrenchment than what we might have achieved by combining the two departments.

He has also referred to the combination of the posts of the Inspector General of Civil Hospitals and the Director of Public Health. Honourable members are aware that that is a moot point. There are many who seem to think that the Director of Public Health should be in charge of both the departments while there are others who think that the Public Health Department should be placed under the charge of the Inspector General of Civil Hospitals. That being the position I hope the honourable members will feel satisfied that we have decided that we will not amalgamate the two posts while aiming at going to the fullest limits in effecting economies and retrenchments to achieve the main thing in view, viz. the saving of almost the same amount as we would have saved by combining the two posts.

Mr. Souter has referred to the condition of the roads. While I agree with him that probably the roads are inclined to deteriorate to a certain extent, yet I am bound to say that bearing in mind our financial limitations the roads are being maintained up to an efficient standard and if there are some patches of roads which are bad, they are entirely due to the fact that we have not enough money at our command. I hope better days will soon return and we have enough money at our disposal to put the roads up to a level of standard which will satisfy the public generally. He has referred in this connexion to the petrol tax fund. He thinks that 14 lakhs which may be at our disposal during the coming year may be spent towards the maintenance and repairs of the roads. I may at once inform him that it is not possible for me to do so. There are definite conditions laid down by the Government of India. We have to submit a definite scheme to the Government of India comprising those roads which are really provincial and of all-India importance, in other words arterial roads. And we are not allowed to spend that money on repairs and maintenance. Recently, bearing in mind the extraordinary circumstances prevailing in these days, we made a request to the Government of India to allow us to divert this money towards repairs and maintenance. They, while showing a certain amount of inclination to allow us to do this, laid down a condition that this money, if it is to be diverted to other purposes must be paid back, that is to say, this amount, if utilized for other purposes, must be refunded as soon as possible, in other words, compelling us to create further deficits, a proposition which in these days we cannot possibly agree to. If the

Government of India had given us freedom to utilize this amount in the way we liked, nothing would have been more gratifying and nothing would have given me greater pleasure than to utilize this money for the purpose of improving the communications of the province and the general condition of the roads of the province.

My friend the member for the University has referred to adulteration of food. I agree with him that there is adulteration of food and it has not ceased. In spite of the fact that we have passed an Act, in spite of the fact that more and more prosecutions are being made, in spite of the fact that a large number of samples of food are being tested by the analyst, we have not been able to control it fully. He will, however, agree with me that the only remedy is to go a head with the present arrangement and see that still larger number of samples are tested and still more prosecutions are resorted to so that this evil practice may be stopped. He will admit that all that was possible in this direction has already been done.

He also has thrown out a suggestion about the supervision of the quality of indigenous drugs that are dispensed. That is a matter which is receiving our consideration. The honourable member is aware that the Government of India appointed a Drug Inquiry Committee and its report is being considered by the Government of India. We shall in the light of that report as well as in the light of the experience we might gain carefully evolve a scheme which will satisfy the honourable member in that direction. But it is not possible for me offhand to give any definite undertaking at this moment.

I am grateful to my honourable friend the member for Bara Banki for raising his voice for the Medical and Public Health Departments and for calling upon the Government to allot more funds to these beneficent departments. He also referred to the question of the reduction of the cadre of the Indian Medical Service. Well, Sir, these are matters, as the honourable members are aware, of all-India importance and are dealt with by the Secretary of State and it is not possible for the Local Government to deal with them. All we can do is to forward our opinion in regard to them and seek the decision of the Government of India and the Secretary of State.

My friend the member for Sitapur, Shaikh Habibullah Sahib, has referred to the Medical College and said that an inspection will show what are the needs of the College. I can very much sympathize.

Shaikh Muhammad Habibullah: I think the Medical College is under the Education Department. I did not mean the hospital of the college.

The Hon'ble the Minister for Local Self-Government: I am sorry.

These are some of the points that have been raised by the honourable members of this House and I hope in view of what I have said they will feel that I have gone to the farthest limit possible to meet their wishes. We have not failed in effecting economy and retrenchment in every direction where we could possibly effect economy and retrenchment.

Now, Sir, before I sit down I should like to pay tribute to Mr. Teyen. As Minister who has had the honour of being in this House for a long

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time, I am bound to say that while Mr. Teyen has been very vigilant and has always explored the inner-most recesses of the possibilities of effecting economies and retrenchment he has been as sympathetic as any Finance Secretary could possibly be towards the transferred departments. This is a feeling which I could not fail to voice in this House. With these remarks I would like again to thank the House for the kind and considerate manner in which they have dealt with the departments I am concerned with.

Mr. C. Y. Chintamani: Was it necessary for the Hon'ble the Minister to go on importing I. M. S. officers in these days of financial stress?

The Hon'ble the Minister for Local Self-Government: I am very grateful to the honourable member for Partabgarh for raising this point. I would like at once to make my position clear with regard to this point. In regard to this matter we are dictated from above and we have got to carry out the wishes of the Secretary of State. We are tied hands and feet in the matter. There is no question of not carrying out those orders. It is beyond our power to do anything else in the matter.

Mr. C. Y. Chintamani: My condolences to you.

The Hon'ble the Home Member: Sir, I have got really a very few words to say. As you know, Sir, we are all passing through very difficult times economically. If we go to the shops we find that while there are beautiful things with ridiculously low prices enhancing the beauty of the show rooms, there is nobody to buy them and people content themselves with optical shopping instead of buying things from the shops. If we go to the rural areas, we find that although a tenant can grow his own food but for the other necessities of life, he is hard up and cannot buy them because the price of agricultural product has gone so low that he cannot get enough money to buy things other than food. Coming to the landlords, we find that they still possess their six cylinder cars but the petroleum is bought on credit, and I believe, God forbid, the time is not far when the petrol seller will become the owner of the car, because the owner would not be able to pay the price for petrol. In such circumstances I think that the Hon'ble the Finance Member deserves congratulations on being able to balance the budget, although it is always very risky to foretell, because in India all prosperity depends on rain. Budget is a gamble in rain. Even a little change in climatic conditions affects the budget. Moreover we know that the world is so linked that economic conditions in one part of the world effect the prosperity of other parts and for these reasons the Hon'ble the Finance Member really deserved very hearty congratulations on being able to show a balanced budget. I hope that no such difficulty on account of rain or happenings elsewhere from outside will disturb his budget. Now coming to the very few points that were raised by honourable members about my departments I should like to mention first what was said by my honourable friend Rai Bahadur Jagadeva Roy. He in his speech mentioned that we should cut down further the police

budget and I will request him to see page 74 of the budget statement which shows definitely that there is a decrease of Rs.53,000 in the police budget. The honourable members are aware; I noticed from the sarcastic cheer of my friend the Deputy President that the deduction of Rs.53,000 will not satisfy him. I would like to remind him of the big reduction that was made in the police budget last year—this present reduction is a reduction on top of that one. Some of my honourable friends here mentioned about the policy of the Government about arms. I know there is a general feeling against it and there were many members who spoke about it. I am willing to undertake to consider the question very carefully and see if there is any real hardship to be redressed. But here I would like to repeat what I said in reply to a certain question the other day to give the honourable member the reasons why there has been more scrutiny as far as firearms in the province are concerned. In reply to a question on the 27th February I said the annual report on the working of the Arms Act since 1910 shows that the total number of licences for firearms of all kinds has risen by 208 per cent. from 26,373 to 81,287. This shows that as far as the policy of the Government was concerned it was very generous, otherwise there would not have been an increase of 208 per cent. In the case of pistols and revolvers the increase has been one of 195 per cent. from 2,246 to 6,631. Inclusive of the exempted weapons there were in 1931 7,868 pistols and revolvers. Between 1928 and 1929 there was an increase of 12 per cent. of crimes where firearms were used. The total number for 1929 was 213. In the following year there was an increase of over 25 per cent. to 269 and in 1931 a further rise of nearly 51 per cent. to 392. Between 1928 and 1931 nearly 500 firearms have been lost or stolen in this province. These were the causes why Government thought that further scrutiny should be made but as I said early in my speech I am perfectly willing to look into this matter once again.

Nawabzada Muhammad Liaquat Ali Khan : May I Sir with your permission put a question ?

The Hon'ble the President : Later on, please.

The Hon'ble the Home Member : My honourable friend Rai Bahadur Avadh Bihari Lal in his speech said that while the nation building departments are starving the departments of jail and police are flourishing. About the police I am sure that there is no further increases there. As to the jails, nobody would like it more than myself to curtail expenditure under that head, but we have got no control over it. If the jail population is going to increase naturally the expenditure will also go up—Mr. Zahur Ahmad in his speech said something about Government Press employees. As far as the conditions of the Press employees are concerned, we compared them to the conditions of the employees in the two local presses, namely the *Leader* and the *Pioneer*, and came to the conclusion that the conditions of our employees are better than theirs. The honourable member has said that we should compare them with those of the Government of India. I have asked the Judicial Secretary to get figures from the various Governments about the conditions of their employees. But I would like the honourable member to remember that the cost of living in Delhi is far higher than in Allahabad, and if a clerk or a coolie gets

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Rs.20 in Delhi, he can easily be had for Rs.10 in Allahabad. This matter should also be taken into consideration when such comparison is made. My honourable friend the member for Partabgarh mentions the expenditure of the Meerut Conspiracy case. The Judge and the ordinary staff was paid by us, while the Government of India paid for the Counsel, and for witnesses and for extraordinary charges and all the special staff. This has been done in other provinces also and I do not think it possible to say no. As I said before and as I now repeat, administration of justice is a provincial subject and if anybody is going to sue people in our province, I think it is right and fair to bear some of the expenditure on that account. There is no other point that I have on my paper which were raised by honourable member.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: The honourable member has quoted in his speech that arms were used. May I know whether these arms were used by licensees and what were their names.

The Hon'ble the Home Member: I believe the question of the honourable member is whether they relate to arms used by licensees. I am not in a position to say and I do not remember that we have come across any case in which any licensee gave his arms, but as I said there were 500 arms which were stolen and these stolen arms were used and were caught in various districts.

Capt. Nawab Muhammad Jamshed Ali Khan: How many arms?

The Hon'ble the Home Member: I am sorry I have not got the number of arms.

Capt. Nawab Muhammad Jamshed Ali Khan: May I know how many licensees have been refused by the District Magistrates during the past six months?

The Hon'ble the Home Member: I may tell my honourable and gallant cousin that it is impossible for me to supply this information without further notice, because I will have to get figures from the whole of the province.

Capt. Nawab Muhammad Jamshed Ali Khan: Will you kindly find it out.

The Hon'ble the Home Member: I will have to collect them from all districts.

Nawabzada Muhammad Liaquat Ali Khan: May I point out that several Civil Surgeons of the Provincial Service have been refused licences for revolvers?

The Hon'ble the Home Member: I am not aware.

Mr. C. St. L. Teyen: With your permission, Sir, I should like to commence my speech by thanking many honourable members for the very kind remarks that they have made about me, and the House in general for the way in which it received those remarks. My relations, whether with non-official members of the Council or with officials—my relations with everybody, from the highest to the lowest, have been of the happiest; and I can retire in the knowledge that I have received more than my deserts.

Coming to the budget itself, several honourable members were pleased with the fact that the year's working will show a small surplus. A few members—I will in order to be brief mention only three—criticized however the budget from this point of view. Khan Bahadur Hafiz Hidarat Husain in particular took a very gloomy view of the position and, moreover, was critical of my department in that it had presented too favourable a position before the Federal Finance Committee which Committee in their report showed the United Provinces with a surplus of Rs.25 lakhs. That was not quite fair to the local Government, if I may say so. Our forecast for that Committee, which had to be prepared early in 1932 under the peculiar conditions then prevailing and which had to look forward to five years hence 1933-34 to 1937-38 showed that on working in 1933-34 we would have a deficit of Rs.53 lakhs, in 1934-35 a deficit of Rs.25 lakhs, in 1935-36 a deficit of two lakhs, in 1936-37 a surplus of 18 lakhs, and in the year following one of 31 lakhs. But the most important point which perhaps is not within his knowledge is that even this forecast was prefaced with the remark that the figures depended on the recovery of prices which would be slow in any case. If prices showed more rapid signs of recovery then the figures of receipts shown in the forecast might be better if that assumption did not materialize, then the forecast would certainly be inaccurate. He was therefore (probably through not knowing details of the information placed at the disposal of the Committee) too critical and took a gloomier view than, I think, the situation warrants. On the other hand, Mr. Habibullah advised me as a budget-maker that I should have shown a surplus of Rs.70 lakhs and not Rs.20 lakhs.

Shaikh Muhammad Habibullah : I said you had Rs.70 lakhs at your disposal : you could have shown better.

Mr. C. St. L. Teyen : He has corrected me by saying that I could have done better. The figures which he gave were : the Government were saved Rs 25 lakhs on the old Provincial Loan account ; they were benefited to the extent of Rs.9 lakhs by the conversion scheme ; Rs.6 lakhs was reduced under sinking fund charges while excise gave an extra Rs.30 lakhs—all of which gave a total of Rs.70 lakhs. Of course the Rs.20 lakhs which we have shown takes account of this Rs 70 lakhs ; so that we should have shown an improvement of Rs.50 lakhs. But he forgets that we must take the figures as a whole. The budget-maker had to provide, whether he was willing to do so or not, for the restoration of the pay cut which absorbs Rs.20 lakhs as compared with the previous year, and other items.

Shaikh Muhammad Habibullah : You are making it to order.

Mr. C. St. L. Teyen : I am afraid so. Mr. Chintamani was very hard in dealing with the Finance Member and characterized his budget speech as window-dressing.

Mr. C. Y. Chintamani : Not the whole, but parts of it in the matter of the deficit.

Mr. C. St. L. Teyen : The Finance Member is quite capable of looking after himself and will reply in due course. My portion is merely to deal with details and here I will draw his attention to one aspect of the figures which he himself took from the historical summary and which I think would appear to indicate that there is some tendency

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towards improvement, if nothing better. He pointed out that while our net revenue was more or less stationary (in fact it had gone up in some years, and even now it was not so bad as we might have expected it to be), our expenditure, which was then eleven crores, was still over 12 crores. But the real point in the expenditure figures arises from the fact that when the contribution ceased, expenditure went up much too high. It rose to 12½ crores in 1927-28, and in the next two years to 13 crores, in 1930-31 to 13½ crores. The figure has now come down to 12½ crores, or allowing for the pay cut which did not apply to previous years to 12¼ crores. Thus expenditure has been deliberately and substantially controlled to the extent of one crore and a quarter, and it is in this direction, if I may say so, that a hope for financial equilibrium lies.

I think Rai Bahadur Babu Vikramajit Singh was perfectly correct in his diagnosis that the finances of the province were inherently sound, and that all that was required was vigilance and watch which, as one who has had to deal with figures for so many years I fear must be confined more to the expenditure side than to the receipt side of the account.

There were a few other points which Mr. Chintamani raised and which for want of time I am not taking up. I am compelled however to reply to one, because Mr. Mackenzie, who invited a retort from the honourable member for Partabgarh, is denied that privilege. At page 13 of the Historical Summary certain figures were given showing Education classified as "University, Secondary, Primary, etc.". "General Charges", according to those figures, as compared to 1920-21, had risen by 75 per cent. Mr. Mackenzie rose and explained that those charges included scholarships, on which the honourable member for Partabgarh pointed out that it was not for him, but for my department, to show figures more correctly, for scholarships could have been shown under "University, Secondary, Primary Education", etc. But for this particular classification I am not responsible. Somebody very much higher than a provincial Finance Secretary lays down classification for the whole of India, and Scholarships have been included under "General Charges" by the Auditor General himself. The particular items in the summary were merely taken straight from the accounts as prescribed by that authority. If, however, figures for scholarships are to be distributed, I will make a note of this and will leave it for Mr. Sathe's information so that in the next historical summary he might show figures in the form desired by the honourable member for Partabgarh.

Coming to details, Rai Bahadur Babu Vikramajit Singh could not understand some figures under the head "Land Revenue". I hope he will excuse me if I do not go into them today. I have with me a long statement, which I will place at his disposal. This shows that the variation in figures is really due to arrears brought forward and the amount remitted. One cannot compare 1931-32 and 1933-34 until one knows the amount of arrears brought forward. I will explain details whenever the honourable member desires either in the Council House or in my office room. Then he referred to the re-imposition of a duty on

cheques and wanted to know whether the Local Government are taking any credit for that form of taxation in their budget. We have not taken any such credit, as it was not within our knowledge that the Government of India would come forward with such a measure before the Assembly. Actually the duty is not yet in operation, but will be included in the Finance Bill which will come before the Assembly towards the latter part of this month. The amount which this province would get if the duty is imposed will not be considerable, because a very large number of our cheques, particularly those used by banks, are stamped in Calcutta or Bombay. At the most it will be about half a lakh. His next point was that the Famine Fund Rules are unduly rigid. Here I am afraid that the authorities—the Secretary of State and the Government of India and probably even the local Government—would not like to make these rules less rigid than they are. The rule says that the assignment can only be used on famine relief, but directions have been given to the Auditor General himself to interpret what famine means. Ordinary scarcity in certain circumstances can be so classed and money spent on scarcity, big or small, can be found from the Famine Fund. Otherwise that fund up to 55 lakhs must be maintained for famine expenditure only. After 65 lakhs have been amassed, the Local Government may use the surplus for various purposes including expenditure on protective works, on *takavi* advances, on the repayment of loans or in writing off of *takavi* loans. Actually in the last two years we have withdrawn from the Famine Fund eight lakhs for the repayment of debt.

The Road Fund the Hon'ble Minister dealt with. That fund can only be used, according to a motion passed in the Assembly, on the construction or reconstruction of roads. The difficulty here is that if we go too fast in constructing or reconstructing we add to our maintenance charges and of course at present we cannot take on any further recurring liabilities. But some of the points which he mentioned in the course of his speech have already been taken up with the Government of India in different ways, and I believe, according to a pamphlet which I received the other day, that the Road Association themselves are rather anxious that money should not be kept in hand and locked up, but used on roads, and are pressing for some change on in existing regulations. Rai Bahadur Jagdeva Roy enquired if new pay for all services had been settled. There are certain services not within our competence at the present time and may not be so even in the future. One is of course the Indian Civil Service, the Imperial Police Service and the Indian Medical Service. In their case the matter has not been overlooked, but is being considered by the Government of India for the whole of India. So far as other services are concerned, the Local Government last summer dealt with them thoroughly and I think the honourable member who represents the United Provinces Chamber of Commerce, when he sees various rules issued, will find that the scale of pay in the maximum certainly conforms to the figure, if it is not better than the figure he has mentioned. I think he said that the maximum should be Rs.2,500. One member suggested that our budget memorandum should be exhaustive and detailed action taken on the various points raised from time to time. I am afraid that that would be an impossibility

[Mr. C. St. L. Teyen.]

in the first place and it would be outside the province of a Finance Secretary who could not be responsible for subjects outside his branch. Mr. Souter was quite correct in saying that the percentage of establishment to Public Works works out at 42 per cent. of works outlay. That is inevitable until expenditure on Public Works can be raised, and until the retrenchment scheme of which mention was made by the Hon'ble the Finance Member has become operative. Mr. Souter was also concerned with the hydro-electric scheme. It is hoped before this budget session closes to give a commercial account of that scheme so that honourable members may know how matters stand. I may add that that will not be the final account. There may be a few minor adjustments, but it will give a general picture to show whether the scheme is doing well. Lastly, I come to my old friend—the debt of this province. Mr. Habibullah put it at 21 crores: actually it is higher than that.

Shaikh Muhammad Habibullah: I think 33 crores *minus* 12.

Mr. C. St. L. Teyen: No. If he has no objection, I will give him the figures. Twelve crores is the old Irrigation debt with which we built our canals. That, I think, he himself will admit is good debt. Then again we have over 9½ crores on account of the Sarda Canal and the hydro-electric scheme, nearly 8½ crores being for the Sarda which is what may be termed a good debt for the province has benefited from the Canal. The remaining 1½ crores relate to the hydro-electric scheme of which the commercial account will be before honourable members in a few days. The next two debts concern advances to municipalities for various works and *takavi* loans. The outstanding amount is over 1½ crores which is the sum we owe to the Government of India: but, on the other hand, we are owed by various people 2½ crores, so that on that particular debt we are to the good by over a crore. I think he actually referred in his speech to the last item about unproductive debt and the new Conversion Loan of 2½ crores. The new Conversion Loan was inevitable and goes back to past history of 1921. The unproductive debt is the only one to which his criticism would strictly apply and it amounts to 3 crores and 72 lakhs. That is repayable mostly in a period of 50 years. This particular debt, as he knows, was incurred for road improvement, police buildings, this very Council Chamber, the Agricultural College, and a very large number of other buildings. Our total figure really comes to 27 crores (net).

Shaikh Muhammad Habibullah: It is still worse.

Mr. C. St. L. Teyen: It is worse because the total is worse, but the analysis shows that over 21 crores are represented by irrigation assets. I am sorry that he has not found any satisfaction from this analysis, but there the truth lies and there is no desire to conceal it. The figures are given in the historical summary deliberately, so that honourable members may know exactly how the province stands in the matter of debt.

The Hon'ble the Finance Member: Sir, I am glad to find that there was at all events one point in my budget speech with which there was general agreement, and that was my remarks about Mr. Teyen. I am very pleased indeed to find that they are generally

endorsed by the House. There were also a number of compliments about myself. I was congratulated on my restoration to health and my reduction in weight; but there were a good many "buts,"—there always are. I was this, that and the other sort of villain. I think the charge most commonly levelled at me was that under the influence of my honourable colleague the Minister for Excise I had taken to drink. Well, Sir, I deny that imputation. However, I must not dally too long, and I will come at once to the three main points that I want to make, one of which involves a more serious accusation against myself. The first point I will deal with is the one that has interested most speakers, in fact I may say, all speakers, namely the question of remission of rent and revenue. Well, I am aware that there is strong feeling on this question amongst landlords and I can say that on our side we sympathize with that feeling. I personally admire greatly the restraint of the language used by most speakers in referring to it,—not the less admirable because restraint is usual in this Council. At the same time, if my information is correct, language has been used outside this Council and indeed by some speakers within it, which was not quite so restrained. It has been asserted, for instance, that Government in general and myself in particular are insincere in the statements that we have made; that all this talk about formulae is mere eye-wash; that we are merely concerned to get the budget through and then shall we find some excuse to drop the whole matter. Naturally, I am anxious to get the budget through,—who in my place, would not be? But there are prices which I am not prepared to pay even to secure that object, and a reputation for insincerity in my dealings with this Council is a price that I will not pay. In my budget speech, I was only able to deal in general terms with this question, for I had at the time no detailed information available; but since then matters have moved. We are now prepared with our formulae; at present we are getting figures to test them. Before the land revenue demand, I hope to give the Council a note containing our proposals and then invite comments. We shall then examine those comments and reach a decision. Whether the decision will be reached before the demand comes in, I cannot say. It depends on the time taken in publishing the proposals, on the time that the landlords will take to consider them, and on the time that the Government takes to decide upon them. However, as far as I am concerned, I will try to be ready before the demand comes on. But I hope I shall not be taken as having made any definite promise: in fact I am afraid I know too much about how inquiries of this kind are delayed to make one. I am, indeed, rather more pessimistic about the future than I usually am. However, I will do my very best to meet the Council in what I understand to be their desire in the matter. Once a decision is reached, there will be no time lost in introducing the necessary legislation. This may possibly be done in April. I want to repeat once more that Government are making serious efforts to solve this problem once for all in a manner satisfactory to all concerned. In saying this I mean exactly what I say. All that I ask of the House is a little more patience; and that some people should abandon the idea that Government are insincere in the matter.

There are various minor points that were raised in connexion with this question. I do not want to deal with them at any length.

[The Hon'ble the Finance Member.]

There was, for instance, the question of budget provision for remissions. The position is simply this: we had got to make an estimate of some kind, on some premises. The premises adopted were those which seemed most correct at the time, namely that as a result of the rise in prices there could be a reduction in the remission of rent, and consequently that the old full amount of the remission of revenue would meet the case. Now, I am told that it will be quite impossible to reduce the remission of rent. If so, we shall have to face the fact and its consequences. In that case the estimate provided will not be sufficient. I do not think that there will be any trouble about that point. The House must by now be used to estimates that are exceeded. Again, my friend, Sheikh Habibullah, referred to a question—I think it was a resolution—on the subject of new instalments. Well, I said that we would not impose any such instalment falling due in future, and it is unnecessary for me to repeat it. What I now understand the honourable member to desire is that new instalments which have already been imposed should not be repeated, in other words, should be taken off again. That is a matter which I know he wants me to consider. I have not had time to do so yet, but I hope that when I again approach the Council with other revenue questions I shall be able to tell him what the position is. Or, if he prefers to put a short notice question—so long as the notice is not too short—he can get an answer in that way. Mr. Zahur Ahmad talked of the damage to crops and the need for greater remission. He does not seem to realize that the question of crop remission is quite separate from price remission, and that provision has been made for it in the budget quite apart from the other provision.

The second point that I must take up is retrenchment. In this matter perhaps the critics of Government have gone even further in their condemnation than in the matter of remission. We have been told, for instance, that the Council played their part in voting fresh taxation last year, but Government have not played theirs, that either our proposals were less wide reaching than the Council had expected, or that we had not pressed them with sufficient vigour. I think honourable members by now realize that in dealing with a matter of this kind I am in a position of peculiar difficulty as a result of the rules which prevent me divulging any information regarding subjects of correspondence with higher authority. All I am going to say on this point is this. I am quite content to leave my vindication to the future. The time will come, when some of my critics will be in a position themselves to realize how unfair their criticisms are. As to the rest, well, I have already said in my budget speech very nearly all that I can say. I have only got to add that these proposals involve a very wide change and important issues. Does this House really expect that higher authorities,—especially at a time when they have got many and even more important pre-occupations,—will or can decide without full consideration on these changes and these issues. The principal critic knows very well, because he has sat on these benches himself, what difficulties surround proposals of that kind. When he or his friends discover, as they will before long, the extent of our proposals, they will then know that some measure of delay in deciding

upon them was inevitable. Again, in this case I am content to wait for the verdict of history.

The third point, a big point with which I have got to deal is the cut in pay. The text from which all speakers on this subject preached was "you are giving 20 lakhs back to your officers." I am afraid, Sir, that is by no means correct. Honourable members have forgotten the surcharge. In the first place a certain part of that 20 lakhs is not due to the 50 per cent. reduction in the cut but to the raising of the limit from Rs.25 to Rs.50. And of the rest of it, the larger part has by no means gone back to the pockets of our officers. It has gone into the pocket of the Government of India through income-tax. What happens is this. The mere reduction of the cut means an increase in the assessable income. That means additional income-tax. Further, in some cases the increase in income raises it from a lower grade to a higher grade, and therefore to a higher rate of tax, so that the officer must pay more tax on more income. It also means that more people become subject to super-tax; for super-tax now goes very low; all first class magistrates and collectors are affected. And lastly, on the top of that there is a surcharge. Well, Sir, I can give figures to show what all this means. The only people who get the full 5 per cent. benefit are those who draw pay of not more than Rs. 80, because they are not subject to income-tax at all. People drawing from Rs.100 to about Rs.300 or Rs.400 get a benefit in the neighbourhood of 3 per cent. People from that figure to Rs.3,000 or so get something ranging round 2 per cent. I do not suppose there is a single officer concerned, who, whatever his pay, will benefit to a larger extent than Rs.50 per month from the change. As to my own benefit, well, I am prepared to toss anybody for it. My benefit consists of Rs.5-5-4 per mensem and I do not even get the four pies because in making up accounts, Government ignores pies.

I have next something to say about Rai Bahadur Babu Jagadeva Roy's speech. I listened to him with considerable interest and a certain amount of puzzlement. For a while, I could not make out what he was driving at. At last I came to the conclusion that he must have been reading Sir George Schuster's budget speech and mine in alternate paragraphs and then mixed the two. He told us a lot about the burdens, the *numerous* burdens put on the tax-payer, till I began to wonder what on earth I could have done that I had so completely forgotten. To my relief, I discovered that there was only one, solitary tax, the stamp duty, with which I was concerned; every other tax that he mentioned was Central. Well, I do not like Central taxes any more than the honourable member. They are taxes that I have to pay myself,—but I accept no responsibility for them. My friend Nawab Jamshed Ali Khan had a good many somewhat complicated complaints about mango gardens and hydro-electric rates and so on. It is too late for me to discuss them now, but I shall be very glad if he will tell me about them privately and as far as possible I will look into them. I may mention incidentally that in saying that the industrial rate in the agricultural area was one anna six pies he was wrong. That is the industrial rate in the urban area.

Then I was greatly puzzled again by one remark made by Thakur Giriraj Singh. He wanted to know why we made no retrenchment in

[The Hon'ble the Finance Member.]

the Forest budget. I could not remember that we ever promised to make any retrenchment in the Forest budget—at all events, not more than usual. I then discovered that he was referring to a remark of mine made last year, to the effect that there were still “dark recesses in the financial forest” where waste might be lurking. I assure the honourable member that when I made that remark, I was speaking purely metaphorically.

Another point that I have to refer to is my friend the Deputy President's complaint about my omission to consult party leaders about the order of the demands. I have explained that to him already in private. Under the agreement first entered into with Sir George Lambert, it is not for the Government to remind the leaders of the parties, but for the leaders of the parties to address Government on that subject. And the agreement was put in that form because Government has good many other things to think of about budget time, and this is the kind of thing that might be forgotten. Here is a proof of it. But I will in future mark a date in my calendar, on which to remind the leaders of the various parties. Last year I remembered it because there was a session of the Council before the budget began; but this time there was not.

I now come to Khan Bahadur Hafiz Hidayat Husain. He was distressed to find that we are paying our old debts by borrowing afresh. As a matter of fact that is not quite correct. A sum of 296 lakhs has been paid out of our own resources in the Provincial Loan Account; and 175 lakhs of the development loan was repaid out of our own sinking fund, so that 471 lakhs are clean wiped out. As for borrowing to repay, well, I think he has only got to look at the papers to see that it is a fairly common practice so long as you can borrow the money for repayment at a cheaper rate than what you already pay.

I now come to a few remarks that I have to make about my friend the Leader of the Opposition's speech first. He wanted to know whether Mr. Sathe was the first person we had sent to the Government of India for training. As a matter of fact, we are only reverting to what was formerly the usual practice. We have sent many officers there for training, though the only one that I can personally remember at the moment is Sir Ivo Elliott. It was in fact, quite common to send officers whom we wanted to put in our own Finance Department for six months' training to the Government of India in their department.

Lastly, I must refer to his remarks about what he called my window-dressing. I always understood that the art of window-dressing was not to put everything in the window for fear that nobody should enter the shop. I maintain that if I had given all the facts and figures that he gave about the deficit in my speech, then quite apart from considerably reducing the lucidity of the speech itself, of which he spoke so favourably,—I should have made it unnecessary for honourable members to read the Historical Memorandum. But when we take the trouble to provide this Historical Memorandum, we want it to be read. There is another point I should like to make about that. I

gathered that he seemed to think that I had the intent to deceive in what I said in the speech,—though that is perhaps too strong a way of putting it.

Mr. C. Y. Chintamani: What I said was the manner in which he presented the thing and the actual thing that was said in that statement were misleading.

The Hon'ble the Finance Member: Very good, Sir, I accept the word "misleading". But what is the good of my trying to mislead the Council in my speech by omitting to say something which, as I know perfectly well, is fully and completely described in a volume that I am presenting to the Council for the purpose of being read? Surely that would be an asinine thing to do. And if I may use an old phrase, "I may be an ass, but I am not a silly ass."

(The Council was then adjourned at 4.10 p.m. till Wednesday, the 5th of March, 1933.)

LEGISLATIVE COUNCIL

UNITED PROVINCES OF AGRA AND OUDH

Wednesday, 8th March, 1933

THE Council met at Council House, Lucknow, at 11 a.m. The
Hon'ble Sir Sita Ram in the Chair

PRESENT (98)

The Hon'ble Mr. E. A. H. Blunt.
The Hon'ble Captain Nawab Sir Muhammad
Ahmad Sa'id Khan.
The Hon'ble Nawab Sir Muhammad Yusuf.
The Hon'ble Mr. J. P. Srivastava.
Mr. J. M. Clay.
Mr. C. St. L. Teyen.
Mr. P. Mason.
Mr. P. M. Kharegat.
Mr. H. A. Lane.
Mr. J. R. W. Bennett.
Colonel H. R. Nutt.
Mr. A. H. Mackenzie.
Rai Bahadur Pandit Suraj Din Balpai.
Rai Bahadur Babu Phul Chand Mogha.
Khan Bahadur Saiyid Ain-ud-din.
Mr. J. N. L. Sathie.
Mr. S. S. L. Dar.
Mr. Hari Kishen Mathur.
Mr. S. T. Hollins.
Saiyid Abdul Hasan.
Mrs. Kailash Srivastava.
Khan Bahadur Maulvi Fasih-ud-din.
Mr. H. C. Desang s.
Mr. E. Ahmad Shah.
Rai Sahib Babu Rama Charana.
Mr. Porma.
Rai Bahadur Babu Awadh Bihari Lal.
Chaudhri Jagannath.
Chauhri Baldeva.
Rai Sahib Sahu Jwala Saran Kothiwala.
Mr. Tappu Ram.
Raja Bahadur Kushal Pal Singh.
Chaudhri Ram Chandra.
Chaudhri Ghasita.
Rai Bahadur Chaudhri Raghuraj Singh.
Chaudhri Arjuna Singh.
Kunwar Girwar Singh.
Pandit Joti Prasad Upadhyaya.
Chaudhri Dharya Singh.
Thakur Balwant Singh Gahlot.
Rai Bahadur Mr. Brij Lal Badhwar.
Rai Bahadur Babu Manmohan Sahai.
Lala Shyam Lal.
Kunwar Jagbhan Singh.
Thakur Keshava Chandra Singh.
Mr. Brijnandan Lal.
Rao Narsingh Rao.
Chaudhri Ram Adhin.
Mr. Braodu Ram.
Chaudhri Bharos.
Pandit Shri Sadayatan Pande.

Rai Bahadur Babu Jagadeva Roy.
Mr. Dahari.
Rai Sahib Rajeshwari Prasad.
Thakur Giriraj Singh.
Pandit Prem Ballabh Belwal.
Thakur Jang Bahadur Singh Bisht.
Pandit Brahma Dutt alias Bhaiya Sahib.
Rai Bahadur Thakur Hanuman Singh.
Rai Bahadur Lal Shro Pratap Singh.
Kunwar Diwakar Prakash Singh.
Thakur Munshwar Bakshi Singh.
Thakur Jaiendra Bahadur Singh.
Rai Bahadur Kunwar Surendra Pratap Sahi.
Mr. C. Y. Chintamani.
Rai Rajshwar Bali.
Mr. Zahur Ahmad.
Syed Ali Zaheer.
Khan Bahadur Mr. Muhammad Abdul Bari.
Syed Yusuf Ali.
Khan Sahib Muhammad Maqsood Ali Khan.
Shah Nazar Husain.
Captain Naw Muhammad Jamshed Ali
Khan.
Nawabzada Muhammad Liaquat Ali Khan.
Hafiz Muhammad Ibrahim.
Mr. Muhammad Rahmat Khan.
Khan Bahadur Haji Muhammad Obaidur
Rahman Khan.
Khan Bahadur Muhammad Hadiyar Khan.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Maulvi Saiyid Habibullah.
Khan Bahadur Shaikh Ghulam Husain.
Khan Bahadur Hafiz Ghazanfarullah.
Khan Bahadur Saiyid Jafer Hosain.
Shaikh Afzal-ud-din Hyder.
Khan Bahadur Sirdar Muhammad Shakirdad
Khan.
Khan Sahib Muhammad Imtiaz Ahmad.
Raja Saiyid Muhammad Sa'adat Ali Khan.
Shaikh Muhammad Habibullah.
Raja Saiyid Ahmad Ali Khan Alvi.
Raja Saiyid Muhammad Mehdi.
Mr. J. M. Medley.
Rai Sahib Lala Anand Sarup.
Chaudhri Muhammad Ali.
Thakur Rampal Singh.
Rai Bahadur Kunwar Bisheshwar Dayal
Seth.
Raja Jagannath Bakhs Singh.
Rai Bahadur Babu Vikramajit Singh.
Babu Gajadhar Prasad.

Member sworn.
Mr. Hari Kishen Mathur.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

CADRE OF I.C.S. OFFICERS AND DEPUTY COLLECTORS FOR CAWNPORE

*1. **Rai Bahadur Babu Vikramajit Singh** : (1) What is the normal cadre for Cawnpore of the I. C. S. officers and deputy collectors ?

(2) How many are employed there at present of each cadre ?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt) : (1) For some years past the normal number of joint magistrates and deputy collectors found necessary to cope with the work at Cawnpore has been nine.

(2) The present staff consists of eleven first class officers, to which must be added a deputy collector holding the temporary post of additional magistrate and collector.

Rai Bahadur Babu Vikramajit Singh : Is it intended to keep this number of magistrates in Cawnpore in future or is it only a temporary phase ?

The Hon'ble the Finance Member : I hope that it is only a temporary phase ?

ESTATES UNDER COURT OF WARDS

*2. **Munshi Gajadhar Prasad** : Will the Government be pleased to state the total number of estates paying a Government revenue of over Rs.5,000 to the Government in each district in the Province of Agra ?

The Hon'ble the Finance Member : A statement is laid on the honourable member's table. The figures shown in this statement have been taken from a report which was prepared in 1919-20.

(See Appendix A, page 522.)

*3. **Munshi Gajadhar Prasad** : Will the Government be pleased to state the name of the estate in the United Provinces paying the highest amount of revenue to the Government specifying the amount of revenue payable ?

The Hon'ble the Finance Member : The Balrampur estate. Gross revenue was Rs.8,23,453 in 1931-32.

*4. **Munshi Gajadhar Prasad** : (a) Will the Government be pleased to state the names of the estates released from the superintendence of the Court of Wards in the districts of Lucknow, Benares, Meerut and Allahabad during the last three years ?

(b) What is the amount of money paid in cash, if any, to the wards at the time of release of each of the estates ?

(c) Will the Government be pleased to state if any sum is still payable by Government to any estate released from the superintendence of the Court of Wards.

(d) If so, why has not the amount declared to be due to any estate been paid so far ?

The Hon'ble the Finance Member : (a) and (b) : A statement is laid on the honourable member's table.

(See Appendix B, page 553.)

(c) The answer is in the negative.

(d) Does not arise.

Rai Rajeshwari Prasad : Sir, with regard to question no. 4(c), will the Government please say if money to the tune of Rs.4,000 was due to one Musammatt Maheshri Devi, a ward of the Court of Wards of Allahabad at the time of the release of her estate ?

The Hon'ble the Finance Member : I would ask for notice of that question.

Rai Rajeshwari Prasad : Sir, is the Government aware that this money has not yet been paid ?

The Hon'ble the Finance Member : I would ask for notice for that question also.

*5. **Munshi Gajadhar Prasad :** (a) Will the Government be pleased to name the estates belonging to lady wards and entrusted to the superintendence of the Court of Wards in these provinces ?

(b) What is the amount of revenue payable by such estates to the Government ?

(c) Will the Government be pleased to state if there is any lady superintendent, tutor, guardian, or adviser to any estate under the superintendence of the Court of Wards ?

The Hon'ble the Finance Member : (a) and (b) A statement is laid on the honourable member's table.

(See Appendix C, page 554.)

(c) In the following estates there are governesses :—

- (1) Majhgain, Kheri,
- (2) Shahpur, Gonda,
- (3) Qila Partabgarh, Partabgarh, and
- (4) Newal Kishore, Lucknow,

and in the Kurwar estate, Sultanpur, there is a lady companion.

There are no lady superintendents or advisers under the Court of Wards.

ENROLMENT FEE FROM MEDICAL PRACTITIONERS

*6. **Munshi Gajadhar Prasad :** (a) Will the Government be pleased to state if any fee similar to the enrolment fee realized from the lawyers is also realized from the medical practitioners in these provinces ?

(b) If so, what was the amount actually realized in 1932 ?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf) : (a) Medical practitioners who wish to get themselves registered have to pay a registration fee of Rs.15.

(b) Rs.1,955.

Munshi Gajadhar Prasad : Will the Government consider the advisability of charging a fixed enrolment fee from the medical practitioners on the same level as is charged from lawyers ?

The Hon'ble the Minister for Local Self-Government : Government cannot interfere in the matter. It is for the Medical Council to decide.

Munshi Gajadhar Prasad : Will the Government be pleased to make a recommendation to that effect to the Medical Council ?

The Hon'ble the Minister for Local Self-Government : That would be useless. Certainly they will flout our opinion.

CULTIVATION OF INDIGENOUS MEDICINAL HERBS

***7. Munshi Gajadhar Prasad :** (a) Will the Government be pleased to state if any provision is made for the proper cultivation and care of indigenous medicinal herbs and plants in these provinces ?

(b) If so, in which of the districts in these provinces has provision been made ?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava) : (a) and (b) A modest start has been made by undertaking research work on indigenous medicinal plants at agricultural farms in the Naini Tal and Cawnpore Districts.

Rai Bahadur Babu Vikramajit Singh : Is the Government aware that an Ayurvedic society in Cawnpore wanted certain land in the Creet's compound for the purposes of cultivating certain medicinal drugs and no assistance so far has been given by the Government in that direction.

The Hon'ble the Minister for Education : No, Sir. The Government is not aware.

RESOLUTION OF THE BOARD OF VERNACULAR EDUCATION REGARDING HINDI TEXT BOOKS

***8. Rai Bahadur Kunwar Surendra Pratap Sahi :** (1) Will the Government please state what action they have taken on the resolution of the Board of Vernacular Education requesting the Director of Public Instruction to quash the proceedings of the Text-Book Committee (E) as far as Hindi text-books were concerned ?

(2) Has the Director of Public Instruction substituted the books rejected by the Board of Vernacular Education by other books ? If so, will the Government give names of books finally approved by him ?

The Hon'ble the Minister for Education : (1) None.

(2) The readers submitted for consideration were re-examined by the Department in accordance with the recommendation of the Board of Vernacular Education. A list of the sets selected for inclusion in the curriculum for 1933-34 is laid on the honourable member's table. Nos. 6 and 7 were newly submitted. The others were previously on the curriculum and have been retained for another year. They will be replaced next year if three suitable sets are available

from among the sets revised and re-submitted.

(See Appendix D. page 556.)

Rai Bahadur Kunwar Surendra Pratap Sahi : With regard to the answer given by the Hon'ble the Minister about the second part of my question, he has stated that "Nos. 6 and 7 were newly submitted." Do I understand that by the words "newly submitted" he means that they were submitted after the date fixed for the submission of text-books by the department?

The Hon'ble the Minister for Education : No.

Rai Bahadur Kunwar Surendra Pratap Sahi : Am I to understand that these two books were selected out of those that were rejected previously by the Department?

The Hon'ble the Minister for Education : These two books were selected from amongst those referred to the Department by the Board.

Rai Bahadur Kunwar Surendra Pratap Sahi : The fact of the case was that 20 books were submitted.

The Hon'ble the President : Is the honourable member giving information or is he asking for information?

Rai Bahadur Kunwar Surendra Pratap Sahi : I must state the facts so that it may be understood what I am asking. There were 20 books submitted. Seven were accepted in the first instance by the Department. The Board of Vernacular Education moved for a total rejection of the seven books and wanted the whole matter reconsidered. Now it appears that nos. 6 and 7 have been selected out of the originally rejected books. Is it not a fact that these nos. 6 and 7 were originally rejected by the Text Book Committee?

The Hon'ble the Minister for Education : I do not know whether they were rejected or not, but they were all referred to the Board of Vernacular Education. These books were included in the sets referred to the Board of Vernacular Education.

Rai Bahadur Kunwar Surendra Pratap Sahi : Does the Hon'ble the Minister deny the proceedings of the Text Book Committee?

The Hon'ble the Minister for Education : I have not seen the proceedings, or at least I do not remember having seen them.

Rai Bahadur Babu Vikramajit Singh : Is it the policy of Government to make frequent changes in the books or to retain the books which are already in the curriculum?

The Hon'ble the Minister for Education : To retain them as far as possible.

Pandit Shri Sadayatan Pande : Am I to understand that every year new books are selected?

The Hon'ble the Minister for Education : New books are recommended, but we do not make frequent changes.

Pandit Shri Sadayatan Pande : Will the Hon'ble the Minister let the House know after how many years the books are generally changed?

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years. The financial conditions do not yet permit Government to give full effect to the recommendations and the Universities must, like the Government departments, I am afraid, continue to tighten their belts. But, Sir, I hope we shall be able to give them relief to some extent. On account of economies sums of Rs.54,000. and Rs.62,000 respectively, were retrenched from the total grants paid to the Allahabad and the Lucknow Universities during 1931-2 and 1932-3 in addition to the emergency cut in the pay of the staff. Government have decided to restore in 1933-4 the economy cuts to the extent of 50 per cent. in each case. I hope, Sir, this will give a much-needed relief to the Universities.

I would now refer, Sir, to the economies we have effected at the Thomason College, Roorkee. The pay of the post of Principal has been reduced from Rs.2,000—2,500 to Rs.1,500—2,000. A special retrenchment committee with myself as the chairman, was appointed. The committee made several recommendations to ensure a more economical and efficient working of the college. The effect of their recommendations will be an ultimate saving of Rs.1,10,000 per annum in the budget of the college. In the field of secondary education, I would refer to the activities of the Board of High School and Intermediate Education. That Board has prescribed music as an optional subject for the High School examination. It has instituted an examination for a certificate in military science, and it has appointed a standing committee to advise it on questions relating to girls' education. These are the three outstanding things that the Board has done during the last year. The number of institutions now having facilities for manual training has increased from 46 to 48—high and middle schools—as against 14 in 1928. The 10 aided schools which we have given equipment in 1930-1 have opened manual training classes from July 1932, and the principle of using these centres for other schools has been tried at Jaunpur and Azamgarh. The scheme for training teachers in handicraft continues successfully. One batch of 20 men completed their training in May 1932, and a new batch commenced their training in July 1932. In order to meet the case of teachers who are either too old for training or have been unable to gain admission to training colleges, Government have decided that every untrained teacher in recognized Anglo-Vernacular schools, who was either confirmed or on probation before January 1927, may be given an acting teacher's certificate of exemption from training, provided that he has worked regularly and satisfactorily as teacher. In the case of teachers appointed after the 1st January, 1927, and before the August 1931, certificates of exemption will be granted after a test in practical teaching. Sir, the scheme of feeding school children which was tried in the Benares and Allahabad Divisions, is being encouraged in all Anglo-Vernacular institutions and vernacular middle schools in the Province. The scheme has been generally welcomed by the school authorities and promises to be a success. I will now turn, Sir, to the practical development in vernacular schools. Measures to make the curriculum of vernacular middle

schools more practical have been continued. Agricultural classes are now established in 37 vernacular middle schools and rural knowledge classes in 110 of these schools. The subject of manual training has been introduced in 32 vernacular middle schools. Libraries have been opened in 199 middle schools. These libraries are used by students, teachers, and other literates of the locality. The department has worked out and hopes shortly to introduce handwork in primary schools as an alternative to training. Experiments on the teaching of simple handicrafts in primary schools have already been made successfully in the Benares, Lucknow, and Rohilkhand Divisions. Sir, we have not been unmindful of the need for economy in vernacular education. With a view to effecting economies and preventing waste in primary education district boards were required to reduce their expenditure by 6½ per cent. on ordinary and compulsory primary education for boys with effect from the 1st June, 1932. This cut was effected by abolishing uneconomical schools and reducing grants to unsatisfactory aided schools and staff in schools which were found to be over-staffed. A few district boards, which were unable to effect sufficient savings to meet this reduction, wanted to have permission to reduce the salaries of teachers getting Rs.25 a month and less by a small amount. The savings resulting from these economies have been divided between the Government and the district boards. Government have earmarked for girls' education two lakhs of rupees of their share of the savings. Sir, the finances of district boards have, as the House knows, been the cause of some anxiety, although on the whole the district boards have dealt fairly by education, but in some cases education money was utilized on non-educational purposes. In some districts the pay of teachers fell into arrears by three to six months. Government tried to help these boards by advance grants, and in a number of cases the conditions attached to the payment of grants for vernacular education had to be relaxed and interim grants had to be given to enable the boards to pay their teachers. There were, Sir, some boards which were unable, on account of financial difficulties, to transfer to the Education fund account money which they owed to this account. These boards have been allowed to do this by easy annual instalments and in a few cases special relief had to be given. In the field of compulsory education I wish to tell the House that at the close of the last financial year compulsory primary education for boys was enforced in the whole or part of 37 municipal boards and in 350 areas of 27 district boards. Government's commitment for these schemes was Rs.3,50,000 per annum recurring for municipal boards and Rs.3,85,000 per annum recurring and approximately Rs.2,00,000 non-recurring for district boards. From the Director's last report it will be seen that the success of the scheme varies from place to place, but it is making satisfactory progress where members of the school committees are taking an interest in the matter. Last year a departmental committee was appointed to examine the working of compulsory primary education for boys in rural and urban areas and it has made a number of suggestions for improving

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the working of the scheme. These are under the consideration of the department. I am glad to be able to tell the House that we have been in a position to render some assistance to the depressed classes. Government have provided special scholarships to enable boys of the depressed classes to proceed to middle and high schools and to institutions for the training of vernacular teachers and to encourage boys of the depressed classes to join Government artisan and technical schools. Government have also set up a committee to advise them on all questions connected with the education of the depressed classes. The committee consists of the Deputy Director as *ex officio* Chairman, two members of the depressed classes elected from among themselves by the non-official depressed class members of the Legislative Council and three members of the depressed classes nominated by the Government.

I now come to the somewhat controversial subject of girls' education.

Shaikh Muhammad Habibullah : Is there any controversy?

Rai Bahadur Babu Vikramajit Singh : Is it still considered to be controversial?

The Hon'ble the Minister for Education : In May 1927 Government appointed a committee to make recommendations for the improvement and expansion of girls' education. The recommendations of the committee have been carefully considered by the Government and most of them have been approved and brought into effect as far as funds have permitted. As a result, more training schools and vernacular schools have been opened. Upper and middle sections have been added to several middle schools by the appointment of mistresses on higher pay. English has been introduced in several vernacular schools for girls. The salary of mistresses has been improved and an additional inspectress of girls' schools has been added to the staff with effect from the 1st October, 1931. In January 1932 Government appointed another committee to inquire into and report on the education of girls in these Provinces with Mrs. Kailash Srivastava, M.L.C., as President. The first meeting of the committee was held on the 18th January, 1932. The committee made several important recommendations on which Government are consulting the local bodies. The committee again met on the 30th November, 1932, and has submitted its report, which is under consideration by the department. Government are anxious to help on the cause of girls' education and so my friends will see that in reality there is no controversy, to which I referred in the beginning, and they have reserved an additional sum of two lakhs of rupees in 1932-3 for expenditure under this head. Economy in administration, Sir, has not been left out. On the recommendation of the Retrenchment Committee the post of Additional Assistant Director of Public Instruction was abolished in April 1932; during the last five years the percentage of the total educational budget spent on direction has been reduced from 7 to 5 per cent. Last year the Council passed a resolution urging that of the three posts at headquarters,

namely a Director, a Deputy Director, and an Assistant Director, one should be held by an Indian. Government have decided to appoint an Indian to officiate as Assistant Director with effect from this month.

Further, Sir, to give effect to the recommendations of the Retrenchment Committee, Government abolished the two posts of Divisional Inspectors at Jhansi and Gorakhpur and the post of Assistant Inspector of Schools, Kumaun Division, with effect from the 1st March, 1932. The I. E. S. post of Inspector of European Schools is being held in abeyance. Sir, like every other department, the Education Department has been forced by the financial condition of the Province to economize. But economy is for a Government department, as it is for a private individual, a blessing in disguise if it results in expenditure being put on a more economical basis. The economy in the budget of the Education Department has not resulted in retrenchment. Not a single school has been closed. The grateful thanks of the Education Department are due to the Hon'ble the Finance Member and the Finance Secretary for applying the knife so gently to education. I had certain figures worked out to show the retrenchments effected in the various departments of Government as compared with the Education Department, and I would, with your permission, Sir, read them out. In the Department of General Administration the percentage of reduction in revised figures for 1932-3 below actuals for 1930-1 was 9.9 per cent., in the Administration of Justice also that percentage was 9.9 per cent., in the Forest Department it was 18.3 per cent., in the Land Revenue Department it was 22.3 per cent., in the Police Department, it was 11 per cent., in the Jails Department 23 per cent., and in the Education Department it was only 3.9 per cent. It will thus be seen that as compared with reserved departments the Education Department has got off lightly. I have nothing more to add except to tell the House that in these difficult times I have been very ably and loyally supported by the officers of the Department of Education. Mr. Mackenzie, whom we are very glad to see back from his recent leave, has been, as usual, of the greatest assistance and help. During his absence Mr. Harrop, who officiated for him, rendered equally good service. I must also thank the Education Secretary, Mr. Kharegat, whose advice and help have proved extremely useful.

Thakur Giriraj Singh : I beg to move that under sub-head University education—A—Grants to the Universities—I, Allahabad, a reduction of Re.1 be made.

My object in moving this cut is to bring to the notice of Government the grievances of the students who live in the new hostel now termed the Ganga Nath Jha's hostel, and also to make certain suggestions about the Allahabad University. As far as I am aware, the law students used to pay formerly only nine months' tuition fees and now recently it has been increased to ten months. I cannot understand as to why this increment has been made, because, when the condition of

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the zamindar and the tenant was good and when there was no cut in the salary of the employees, the boys used to pay only nine months' tuition fee and now when the cut has been applied to the salaries of employees and when the condition of the zamindar and the tenant is worse and when there is no hope of improvement in the condition of the agriculturists, I do not see any reason why the University is so hard upon the poor students who take law these days. It is not unknown to all of us that University education is very costly. It is very difficult, rather impossible, for a man who is drawing Rs.50 per month to give University education to his children.

Another grievance of law students is about the furniture supplied to them in the Ganga Nath Jha's hostel. If one goes to Sir Sunder Lal's hostel he will find that the furniture there, for example, tables, chairs, etc., are far superior to those which are supplied to the students in the Ganga Nath Jha's hostel.

There is another suggestion which I would like to make about the Vice-Chancellor of the Allahabad University. I remember well, Sir, that when I attended a meeting of the Court of Allahabad University the very person who is now occupying the office of the Vice-Chancellor was also present. There the majority of the members present were of opinion that the post of Vice-Chancellor should be made honorary. Well, Sir, most of the institutions are suffering for lack of money and most of the professors of the University, who had gone to England to take a degree, have not got any increment in their salaries. Take the case of Dr. Badri Nath, who is Doctor of Science. Perhaps he has been given no increment in his salary at all. Such professors deserve increments. It is a good suggestion to economize the expenditure in making the post of Vice-Chancellor as honorary. If this is not feasible, the pay of the Vice-Chancellor can be reduced to any amount which may be deemed proper by the authorities concerned.

There is another grievance which I have to place before the House today. There was a student of Final LL.B. last year. I do not want to take his name. He was informed that he failed. Then his guardian gave him the information that perhaps he had passed. I do not know what had happened. But, as far as I am aware, the student wrote to the Registrar of the Allahabad University and it was found that there was some mistake in totalling the marks. His name was published in the next *Gazette*. I fail to understand what these authorities who are appointed to look after these things do when such ordinary mistakes occur. If the boy had not run up, I think the boy would not have become LL.B. last year. There are also some research scholarships in the Allahabad University. The year before last Rs.50 per student per month used to be given as research scholarship. In that year one boy passed the M.A. examination in Philosophy and he was selected for one of these research scholarships, but as money was short, he was given only Rs.25, namely half of Rs.50. It is very difficult for a student, specially for that student who has passed his M.A. examination, to remain in the hostel and live upon

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Rs. 25. So I think it would have been better if the amount under the head of Research Scholarships had been increased and that particular boy, who was very poor, given the full amount of Rs. 50 at least in the year 1933-34.

These are the few suggestions that I have to make.

Mr. A. H. Mackenzie : Mr. President. I think that it would have been more fitting if the honourable member for the Allahabad University had risen to reply to these criticisms. I think that they concerned the University more than the Education Department; still I shall do my best, Sir, to meet the honourable mover.

The first point he raised was that the fees for law students have been increased. They are now levied for ten months, whereas previously they were levied for nine months. As everybody knows, the universities, like other institutions, are hard put to these days to balance their budgets. They rely on Government grant to a great extent. In the case of the Allahabad University the only other sources of income are some small endowments and fees. It was, therefore, necessary for the Allahabad University to make some increase in fees in order to balance the budget, but the University has not been unduly hard on students. I think if my honourable friend will examine the new rates of fees and compare these with the fees of other universities—the Lucknow University, for instance—and especially with the rates of fees levied in other provinces, he will agree with me that the fees in the case of the Allahabad University are not in all the circumstances unduly high. So far from making a complaint about the fees being spread over ten months instead of nine months, I think he might congratulate the University on having imposed the increase in such a way as to cause as little hardship as possible to students. It would have been possible, of course, for the University to increase the fees and spread them over nine months as previously. Now they get an increase of fee income by spreading the burden over ten instead of nine months. The honourable mover, having pleaded for a reduction of University income, went on to plead for an increase in University expenditure on extra equipment, furniture and provision for scholarships.

I do not know anything about the merits of these particular demands, but the department will send a copy of these proceedings to the Vice-Chancellor and I have no doubt the Vice-Chancellor will give them careful consideration. I know we have said previously from these benches that Government should not interfere with the Universities in matters of detail. That is still the policy of Government. At the same time we know that the Universities realize what is the hand that feeds them and they are quite ready to examine any suggestions that may come from the members of this House.

The honourable member also raised the important question, whether the Vice-Chancellor of the University should be an honorary or a paid officer. The answer depends on whether the Vice-Chancellor should be a whole-time officer or not. The Government

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have asked for the opinions of the Universities of Allahabad and Lucknow on several important matters including this question of the vice-chancellorship—whether the Vice-Chancellor should be a whole-time officer or not, and, incidentally, whether he should be paid or not. The replies of the universities have recently been received and they will be considered by Government. Government have not had time yet to go into these important matters, but before Government take any action on the recommendations of the universities they will, of course, consult the universities and this House will have an opportunity of expressing its views if Government introduce any legislation in the matter. I think I have covered the main points made by the honourable member.

Khan Bahadur Maulvi Fasih-ud-din : What are the replies of the universities ?

Mr. A. H. Mackenzie : They are long replies; I cannot remember them offhand. Both universities went into the whole question of revising the Allahabad and Lucknow Acts. The replies cover the whole ground of these Acts and, as I said, before any action is taken by the Government, they will consult both the universities and this House.

Rai Bahadur Babu Vikramajit Singh : The object is to know the replies of the universities with regard to the question of the Vice-Chancellor—whether he should be honorary or paid.

Mr. A. H. Mackenzie : As far as I remember, both the universities are strongly in favour of a whole-time Vice-Chancellor. As regards the question whether he should be paid or not, I may say that, as far as I remember, the present Act does not require the University to pay the Vice-Chancellor, but honourable members will agree with me that if the Vice-Chancellor is to be a whole-time officer, it would necessarily follow that he must be paid.

Thakur Giriraj Singh : I beg to withdraw my motion.

The motion was, by leave, withdrawn.

Mr. Brijnandan Lal : Sir, I beg to move that under sub-head “Grants to the University of Allahabad” a reduction of Rs.10 be made.

In moving this cut I wish to draw the attention of the Allahabad University to a very legitimate grievance of the candidates for the LL.M. examination (Master of Laws examination). The Allahabad University held this examination until the year 1931, but changed its mind in 1932. They say that they cannot hold the examination under the present Act, which was passed in December 1922 and came into force in January 1923. The University held four examinations since the passing of the present Act. They were held in 1924, 1926, 1927, and 1931, but in 1932 the University authorities discovered that the law did not permit the holding of LL.M. examination. Let us look at the law. The majority of the members of the Faculty of Law

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say that the preamble of the Act does not permit it. The preamble runs: "Whereas it is expedient to organize the system of the Government of the Allahabad University with a view to establishing a unitary, teaching and residential university at Allahabad, and so on...." "With a view to establishing a unitary, teaching and residential university" these words are important. They argue that as there is no arrangement for teaching the subjects prescribed for LL.M. they could not hold any examination. Section 5 of this Act runs: "The University shall have the following powers, viz., to provide for education in such branches of learning as it may think fit and to make provisions for research and for advancing and dissemination of knowledge, to grant and confer degrees to all persons *who shall have pursued an approved course of study in the University.*" I would like to draw attention to the words "who shall have pursued an approved course of study in the University." They say that as there is no LL.M. class in the University, no candidate can be said to have pursued a course in the University. I beg to disagree with this view. The sub-committee which was appointed by the executive committee of the University to go into the question also thought that the law permitted these examinations. However, examinations were held until 1931 but according to the majority of the members of the Faculty of Law all these four examinations which were held up to 1931 were illegal. If the law was in the way, the University should have asked the Government to amend the Act. It is hardly fair to keep this matter pending for years and make it impossible for students to carry on post-graduate studies in Law. Unless a man has passed LL.M. examination, he cannot do any research work for LL.D. The result is that nobody can study beyond LL.B. The matter has been moving from committee to committee and nothing has been done so far. I know that one of the candidates has been preparing for the examination since 1925. He has spent as much as Rs.1,000 on books. In 1932 he was told when he asked about the date of examination that a date would be fixed by the executive committee. Later on he received another postcard in March 1932, that the University was doubtful whether the examination could be held at all. I submit that this state of affairs is not at all satisfactory. The University must come to some conclusion. If in their opinion the law does not permit the examination they should say so at once but to keep students in suspense is not at all fair especially when once hopes were held out to them that the examination would be held and they have spent a lot of money and time over their studies. I submit that the Government should ask the University to expedite this matter.

Mr. A. H. Mackenzie: Mr. President—here again I think the honourable member for the University might take up some of the batting. This is a somewhat technical matter and I think he would be in a better position to explain it. The position is that the Allahabad University used to award the LL.M. degree to candidates who had not pursued a regular course of study—they

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had simply read books, studied privately under the guidance of professors, but they had not attended regular lectures. Then it was considered by some lawyers on the University that the Ordinance which permitted the University to give a degree under these conditions was *ultra vires* of the Act. I myself know nothing about the legal aspect of the matter. My honourable friend says the Faculty of Law are wrong. I cannot say where the truth lies. All I can say is that the Faculty of Law came to the conclusion that it was illegal for the University to give the degree of LL.M. under these conditions. Accordingly the Faculty of Law have decided that this degree should be given after two years' residence in the University and of instruction in regular classes laid down under conditions prescribed in the Ordinances. The whole question is coming up before the Faculty of Law again for consideration on the 14th of this month and if the honourable member will be good enough to give me a transcript of his speech I shall forward it to the Vice-Chancellor and he no doubt will lay it before the Committee.

Rai Bahadur Babu Vikramajit Singh: It appears to me that the matter has not been properly dealt with either by the University or it has not been taken notice of by the Government.

Mr. A. H. Mackenzie: May I interrupt, Sir, by saying that the first time the matter was brought to the notice of Government was this morning by my honourable friend.

Rai Bahadur Babu Vikramajit Singh: I am surprised that a vigilant Director of Public Instruction like Mr. Mackenzie will not know whether the Allahabad University have now discontinued the LL.M. examination. The official report which is printed in itself shows "Nil" as against the LL.M. and this clearly proves that the examination has been discontinued.

Mr. A. H. Mackenzie: I think that we are coming to the wise decision that the number of lawyers should be restricted.

Rai Bahadur Babu Vikramajit Singh: It may be true that the number of LL.M.'s are so small and insignificant that no restriction could be placed even by the Director of Public Instruction. It is really very unsatisfactory for people to know that there is a degree of the LL.M. and when they prepare for the examination they are told that the Act will not allow it. It seems to be surprising that although four examinations were held under the same Act it is now interpreted that this degree was wrongly enforced. This is a point which ought not to be considered. The Director of Public Instruction has told us he is not a lawyer so he cannot answer this question. I think there is the Legal Remembrancer who is adviser to the Government on these matters, and if the matter was referred to the Legal Remembrancer the difficulty might have been solved, and I think it is not now too late to have that difficult matter settled. But my view of this Act is that it is entirely in the hands of University body to lay down a course of study, and I think that if they were to say that

that we require 12 lecturers for students of LL.M. by the professors who I suppose are many in number, and drawing good salaries, there will be an approved course of LL.M. examinations to be held for students. If the best men of the calibre of men like Dr. K. N. Katju and others who have studied privately and are at the top of the profession could appear at LL.M. examination, I do not see why others who have studied privately can not be given a certain number of lectures to appear at the examination. I think it is rather callous indifference on the part of the University body to have not taken the matter up in right earnest. I am informed by the Director of Public Instruction that a meeting is going to be held and the matter will be looked into. I think they have taken too long to interpret the ordinary section of the Act, and after that interpretation to enforce it into action. This can be done by saying that a certain number of lectures will be given by the Professors already on the staff. I do not recommend for LL.M. students the addition of other professors. A restricted number of lectures is all that is necessary, and often those who are not on the University staff can be invited to give a few lectures. I think the Government will take the matter up for it is important from the point of view of those who want to appear at such an examination.

Munshi Gajadhar Prasad : Sir, I believe there are two ways of looking at this question, one is the legal view and the other is the common sense view. The legal aspect of the matter was placed before the House by my honourable friend Mr. Brijnandan Lal, and it appears that experts do not agree among themselves. Another view has been put forward by the honourable member for Chamber of Commerce, which I may call the common sense view. Granting that the Act does not permit of any examination being held because there is no arrangement for coaching LL.M. students, it would be easily feasible to make a due provision after incurring a little expenditure. Some leading lawyers at Allahabad may be requested to give a number of necessary lectures in the year. It has also been suggested that the University has allowed the matter to drift for some time past. This insinuation is uncharitable. Probably the University authorities thought it wise that, in view of the financial stringency, of which everybody is aware, they should let the matter stand over for a year or more. If we look at the past records of the LL.M. examination we find that even when the examination used to be held, nobody succeeded to qualify during the last several years. The last successful candidate was Dr. Kailash Nath Katju of the Allahabad High Court. I do not know why there have been so few examinees and why none got through in recent years; the Government may possibly be aware. But however difficult the examination may be, it is the birthright of every student who is anxious to acquire higher knowledge to try for that examination, and Government should see that provision is made in the University for that examination. And if the University is not in a position to start the examination, for

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want of funds, I think Government should come to its rescue and provide such funds as may be needed for the purpose.

Rai Bahadur Babu Vikramajit Singh: May I put one question to the honourable member? Is it not possible for the existing Professors to give a few lectures to the LL.M. students?

Munshi Gajadhar Prasad: Certainly, that is possible.

Rai Bahadur Babu Vikramajit Singh: In that case no more funds are needed.

Munshi Gajadhar Prasad: If the opinion of the Government is that for such higher examinations we want better type of Professors, then it may be necessary to engage some Professors; otherwise the present staff is quite competent.

Mr. Brijnandan Lal: It appears to me, Sir, that lawyers are getting on the nerves of the Government and of our popular Director of Public Instruction and no wonder that that is the case. There are lawyers everywhere in this House. The leaders of the Progressive and the Democratic Parties are lawyers; and the leader of the Constitutional Party is also a lawyer; all of them give trouble to the Government, I also sometimes cause inconvenience to Government but I do not think that the work of the Council can be carried on without lawyers. There is the Legal Remembrancer who is a lawyer on the Government side. But that is beside the point. To enable students to carry on post-graduate studies in law does not mean the creation of lawyers. Mere acquisition of knowledge of law does not mean the creation of lawyers. But the University has not stopped the examination from that point of view. As a matter of fact, they have misconceived the law on this question. They think that there should be classes inside the four walls of the University. I submit that all that is necessary is for the students to study the books prescribed for the examination. As a matter of fact, the Dean of the Faculty of Law and other Professors gave certificates to the candidates that they had "pursued the course prescribed". It is therefore not necessary for the students to read within the four walls of the University before they can appear for the examination. I am grateful to the Director of Public Instruction who has promised to communicate the wishes of the Council to the University and to ask the University to expedite the matter.

The motion was, by leave, withdrawn.

Khan Bahadur Hafiz Hidayat Hussain: I beg to move that under the sub-head University education—A—Grants to the University of Allahabad, a reduction of Rs.10 be made.

The object of my motion is to ask the Government to make sufficient provision for the appointment of at least one lecturer in Islamic Philosophy in the University of Allahabad. The question of starting courses in Islamic Philosophy for the B.A. Honours Course was started as far back as 1923 and in all subsequent years following 1928

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the Executive Council of the Allahabad University, the Academic Council of the University, and the Finance Committee of the University have all recommended one after another that provision be made by the Government for the purpose of starting at least a lectureship in the Department of Philosophy for teaching Islamic Philosophy.

Now, Sir, it cannot be gainsaid that no intimate acquaintance with the civilization and culture of the East can be had until and unless the philosophy of the Orient is taught in the seminaries of learning like the two universities of Lucknow and Allahabad, which are residential universities. Fortunately sufficient provision has been made for teaching Hindu philosophy in the University of Allahabad, where there is a competent staff for the purpose in the department itself. No such provision exists for Islamic philosophy. The Executive Council has urged year after year that sufficient money be provided by the Government for the purpose of instituting at least a lectureship, if not a chair, in the subject of Islamic philosophy. The Muslim advisory committee of the Allahabad university also made a very strong representation, which was presented by the Hon'ble Mr. Justice Iqbal Ahmad to the Committee appointed by the Government to consider the block grants to the University. I am referring to the Teyen-Harrop Committee. This committee also recognized that there was need for it. But the strangest of all things is that although the Government finds everything for the University, for Islamic philosophy the recommendation of this Committee was that funds should be found by private benefactions. Sir, we all know that for this University of Allahabad a very strong appeal was not long ago circulated throughout the country, backed by the powerful personality of His Excellency the Chancellor, Sir Malcolm Hailey, and the result of that appeal was that a very petty sum, which I need not mention in the House, was promised. Now, I ask, is it fair and equitable that for a small and petty sum of about Rs.1,500 to start with Muslim philosophy should be relegated to the background, and the community be asked to provide the amount out of private benefactions. I have got with me here the budget of the Allahabad University for the coming year and I find that under the head "Philosophy department" a sum of Rs.36,315 has been provided. In case a petty sum of Rs.1,500 or Rs.2,000 was provided for Islamic philosophy, the amount would come to only Rs.38,000. I ask if it would be a severe attack on the financial stability of the Province if this petty sum was also found. Therefore, Sir, in view of the pressing demand of the Muslim community for the same and in deference to the wishes of the University for doing justice to its Muslim students I will ask the Hon'ble the Minister to make some provision under this head so that the university may be enabled to institute at least a lectureship for the purpose of teaching Islamic philosophy in the University of Allahabad.

Khan Bahadur Syed Jafer Hosain : Sir, I extend my support to the motion moved by my honourable friend, Khan Bahadur Hafiz

Khan Bahadur Saiyid Jafer Hosain.]

Hidayat Husain. As a matter of fact I had also a cut with the same object in view. I hope the Government will come forward in a generous spirit and suggest to the Allahabad University the desirability of opening this class from the next session, viz. July 1933. I may mention for the information of the honourable members and the Director of Public Instruction that the Muslim Advisory Board had also recommended strongly that this teaching should be taken up at once and subsequently a resolution was favourably considered both by the Academic and the Executive Council of the Allahabad University. Moreover, the Teyen-Harrop Committee suggested the desirability of having a lecturership in this subject. They reported as follows : " We desire to present again the desirability of creating a post in Philosophy department, so that a lecturer specially qualified to teach Islamic philosophy may be appointed." I had put several questions to Government last year on this subject and the Hon'ble the Minister for Education asked me to withdraw them and promised to look favourably into this matter. My submission is that there is a very strong demand for teaching Islamic philosophy and the Government should not withhold a very small amount of money from the University which is necessary for carrying out the objects of this subject. I hope the Government will give sufficient money to the University for this purpose or impress upon them, if they can carry on without Government aid, the necessity of starting the class from July next.

Munshi Gajadhar Prasad : Sir, the honourable mover of the motion has stated before the House that the amount needed in this connexion would be very small. Whether large or small, it is more or less a matter of principle. At the same time it seems to me to be the desire of our Muslim brethren that a chair for teaching Islamic philosophy should be established. A resolution was also passed by the Muslim Advisory Board of the Allahabad University and the matter was represented by the Hon'ble Mr. Justice Iqbal Ahmad in December, 1931. The Teyen-Harrop Committee, whose report was published in May, 1932, remarked that money for this particular lecturership in Islamic philosophy should come from public donations. I think that the Government are taking rather a hard view of the matter. Oriental culture, whether it be Islamic or Hindu, ought to be maintained, more so as we cannot allow old civilization or philosophy to die out. I would further bring the matter to the notice of the House that it was considered by a meeting of the Executive Committee of the Allahabad University and the University expressed its views in these words—" We desire to present again the desirability of creating a post in Philosophy department, so that a lecturer specially qualified to teach Islamic philosophy may be appointed." This shows, Sir, the importance and the urgency of the matter as viewed by the University authorities. As the public are eager for this particular kind of teaching, and as at the same time the University also has viewed the matter favourably, I believe the Government

will be pleased to take the matter into consideration and allow such grants as may be necessary for this particular subject.

Mr. E. Ahmad Shah : I am particularly interested in the motion which has been introduced in this House, suggesting the introduction of Islamic philosophy in the Allahabad University. I am a teacher of that subject and I would like to express my opinion on the issue raised. As honourable members are well aware, philosophy means love of wisdom, be it of one country or of another, of one religion or another. In the universities the subject should be presented without any bias whatsoever. As a teacher of the subject I can assure the honourable members of this House that the course in philosophy, not only in my university, but in the Allahabad University, as well as in other universities of India, is so arranged as to cover under it the systematic study of the systems of thought of all important thinkers whether of the West or East. Through this particular motion the honourable member has urged that Islamic philosophy be introduced as a special subject. The Allahabad University is not only sympathetic but has urged the introduction of this system of philosophy by passing a resolution in the Executive Council, provided the Government give the necessary funds. The motion which is introduced before the House requests the Government to provide a little amount which will enable the University to give instructions in that particular branch of philosophy. At this stage I would like to suggest that whatever may be the subject introduced in the University it should include not only the cultural and religious training of a particular type, but should create breadth of vision in life. It should prepare the students for life and to meet its hard problems. I am confident that the manner in which this resolution has been presented and the way in which the Allahabad University has considered it will make the Government to consider it sympathetically and provide funds to introduce it, not as a particular branch of philosophy but as a branch of philosophy which claims to broaden the outlook of humanity.

Mr. A. H. Mackenzie : I think that the speeches which have been made are based on some misapprehension of the facts. In reply to a Council question asked in December, 1931, the following figures were given on the number of students who had applied for admission to a course in Islamic philosophy:

1929-30	..	..	.. One student.
1930-31	..	..	.. Two students.
1931-32	..	..	.. Two students.

Provision was actually made by the University for teaching these students and we have it on the authority of the Vice-Chancellor that if students applied for this subject arrangements for teaching it would be made by using the existing staff, so that on the merits the case for an independent new teacher for Islamic philosophy does not seem to be strong. We have the view of the University itself that if students offered themselves for this subject they will be taught.

Khan Bahadur Saiyid Jafer Hosain : Was sufficient provision made?

Mr. A. H. Mackenzie : Sufficient provision exists. There is no special lectureship, but provision can be made by co-operation amongst the different departments. That is the information which the Vice-Chancellor sent to the Government.

Khan Bahadur Maulvi Fasih-ud-din : Is there any arrangement for teaching this subject?

Mr. A. H. Mackenzie : What the Vice-Chancellor says is that arrangements for teaching Islamic philosophy is made when any student offers the subject.

There is another consideration. This House has repeatedly said that we must economise as far as possible on University education without unreasonably restricting facilities; and one principle that honourable members have laid down is that we cannot and should not attempt to provide at every University instruction in every possible subject. We know that in the Aligarh Muslim University there is provision made for the teaching of Islamic philosophy. The Aligarh University receives a large grant from this Government and from the Government of India and I think that if we are to find money that we badly need for girls' education especially and for other developments, we must harden our hearts against demands for a lectureship in this or that subject at every university. We have got five in these provinces and we must, I think, specialize to some extent. I put that argument to the Khan Bahadur because I know that however strongly he may feel on any particular subject, he has got a reasonable side to which one can always make an appeal; however strong his sentiments may be, his brain always controls them and this argument I put to his brain.

Khan Bahadur Hafiz Hidayat Husain : I am very thankful to the Director of Public Instruction for the kind compliment that he has paid to me, but unfortunately that very attribute to which he refers compels me not to see eye to eye with him, in this matter. The honourable Director says there are few students in Islamic philosophy. That is true; there are few. But there are fewer students in every branch of study as we go higher up. There are fewer students because there is no provision made for teaching Islamic philosophy. What happened was that in 1929 the Executive Council delegated the teaching of Islamic philosophy to the Arabic Department of the University. That department found it impossible to teach the subject and reported accordingly to the Vice-Chancellor, and the Vice-Chancellor reported to the Executive Council, and the Executive Council again came out with the recommendation that arrangement should be specifically made for teaching Islamic philosophy. I have got here the whole history of the case, but I would only begin with the meeting of the Executive Council of the 3rd August, 1929 when as I said just now the teaching of Islamic philosophy was delegated to the Arabic-Persian Department. The Arabic Persian Department could not provide for the teaching of Islamic philosophy. When it began to teach the subject, only three students offered, and out of the three

student- that applied, one dropped out at the beginning and one did not appear at the examination. This proving not satisfactory the Academic Council resolved on the 28th November, 1929 that a post of lecturer be created. After that the Executive Council in its meeting held on the 11th January, 1930 considered the recommendation of the Academic Council and resolved that the recommendation of the Academic Council be accepted and "that it be included in the report of the block grant Committee and referred to the Finance Committee."

The matter was referred to the Finance Committee and eventually came before the Harrop Committee. Before the Harrop Committee the Muslim Advisory Committee made the recommendation that money should be found by Government for the purpose of providing lectures in Islamic philosophy. This committee considered the amount of the block grant, and came to the conclusion that for Allahabad University the amount of the block grant should be Rs.7,66,300. My submission is that when the University committees have all along made it plain that there is no provision made for a lecturership of Islamic philosophy and the Harrop Committee has also made it plain I am entitled to ask Government that provision should be made by them for instituting lecturership.

The Hon'ble the President : What exactly is the issue before the House ?

Khan Bahadur Hafiz Hidayat Husain : The issue is that Government should provide enough funds for the purpose of instituting lecturership in Islamic philosophy.

The Hon'ble the Minister for Education : There seems to be a difference of facts between the honourable mover and the Director of Public Instruction about this matter. The Director of Public Instruction has told us that the Vice-Chancellor has written to say that already arrangements for the teaching of Islamic philosophy are made when students want to learn the subject. Therefore it would appear that no extra fund is needed for a separate lecturership. If arrangements can be made to teach that subject without any lecturer, obviously there is no need for Government to provide for a separate lecturer. I am quite prepared to give this assurance to the honourable mover that if we take up the matter again with the University and if they feel that they cannot teach this subject without any extra lecturership, then we would try and find the money, provided my friend, the Finance Secretary, agrees to the grant. I hope that this assurance will satisfy the honourable member.

The Hon'ble the President : The issue on which the honourable mover wishes to have the verdict of the House is to urge on Government the desirability of providing funds for the creation of lecturership in Islamic philosophy at the Allahabad University. With that object in view the question will be put to the House.

The Hon'ble the President.]

The question is that under sub-head University Education A—Grants to the University of Allahabad, a reduction of Rs.10 be made.

The question was put and agreed to

Khan Bahadur Hafiz Hidayat Husain : Sir, I beg to move that under sub-head University Education A—Grant to the University of Lucknow, a reduction of Rs.10 be made. The object of my motion is to draw the attention of the Government and the Council to the fact that last year on the persistent complaints made by the public with regard to King George's Hospital affiliated to the University of Lucknow, a committee presided over by Pandit Jagat Narain was appointed in order to investigate into those complaints. These complaints were investigated.

The Hon'ble the President : Do these complaints refer to King George's Hospital ?

Khan Bahadur Hafiz Hidayat Husain : Yes, Sir.

The Hon'ble the President : If the complaints refer to King George's Hospital then they cannot come under the Head Education. They will come under Head "Medical." (To Government). Is that so ?

The Hon'ble the Minister for Education : That is the position, Sir.

The Hon'ble the President : If that is the only object of the mover in moving this motion, then it will be out of order.

Khan Bahadur Hafiz Hidayat Husain : I withdraw it, Sir. I will move it under Medical.

The Hon'ble the President : It is out of order.

Rai Bahadur Babu Vikramajit Singh : Sir, I beg to move that under sub-head University Education A—Grants to Universities—3. Agra, a reduction of Re.1 be made. I find Sir, from the official report which has been presented by the Department that block grants have been fixed for the Allahabad and Lucknow Universities and that I think is the right course. I further find that no block grant has been fixed for the Agra University, but the Agra University does not require any money for academic purposes. It is only for supervising and organizing activities that some money in the budget has been provided. I think, Sir, that probably it will be in the interest of the finances both of the Government and of the University and also it will save a lot of botheration in receiving the correspondence and checking the demands that a block grant for the Agra University only for the purpose of supervising and organizing activities, as it has been put down in the official report, might be fixed. I may, Sir, point out one thing that so far as the affiliated colleges are concerned they are given a grant separately and it is not necessary that they should be included in the block grant. The present arrangement by which they are separately dealt with is quite satisfactory, although when the question of the grant

with regard to non-Government colleges comes in, I will have to point out as to the method in which a grant with regard to these colleges ought to be given. But so far as the present motion goes my submission is that a block grant for the Agra University too may be fixed by the Government merely for organizing and supervising activities and the grants for the affiliated colleges should not be included in such a block grant.

Mr. A. H. Mackenzie : Mr. President. I understand that the main object of my honourable friend's motion is that the Government should fix a block grant for the Agra University.

Rai Bahadur Babu Vikramajit Singh : Merely for organizing and supervising activities.

Mr. A. H. Mackenzie : My honourable friend assumes that the Government have fixed block grants for the Lucknow and Allahabad Universities, but that is not correct. Pending consideration by Government of the report by Messrs. Teyen and Harrop, Government have not yet fixed a block grant for the Lucknow and Allahabad Universities. The grant which is shown in the budget is a grant for the year 1933-34 only. When Government take up the question of fixing a block grant for five years for the Allahabad and Lucknow Universities, they will then take up the question of fixing a block grant for the Agra University on some principles. It would, in any case, be rather premature at present to fix a block grant for the Agra University as the Agra University has not yet got a permanent home. Possibly when it has a permanent home, its expenditure under certain heads may increase, but, speaking as a member of the Executive Council of the Agra University, I personally should prefer at present to leave well alone—to have a non-recurring grant rather than a recurring grant. But as I say we meet the honourable member by promising to take up the question of fixing a block grant for the Agra University along with the questions of fixing block grants for the Lucknow and Allahabad Universities.

The motion was by leave withdrawn

Khan Bahadur Hafiz Hidayat Husain : I beg to move that under sub-head University education Total, A—Grants to the Universities of Allahabad, Lucknow and Agra, a reduction of Rs.10 be made.

I wish to reiterate again very humbly what I submitted last year with regard to the research work of the residential universities of the province. I submitted last year that we have got here five universities, two Imperial and three provincial, and whatever the result of that over-education might be, it seems to me that there is no specialization for any subject whatsoever in any of our universities. Let me turn first to the University of Allahabad which, according to the Teyen Harrop report has to get Rs.7,66,300 a year as block grant. Now, this money has to come from the provincial tax-payer and we, the members of this Council, representing the large mass of the provincial tax-payers are entitled to know as to how this money is spent. Sir, I will

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ask my honourable friend the Minister for Education if he has satisfied himself that professors of the universities, professors of Allahabad University particularly, do any real research work. Take for instance the Philosophy Department of the Allahabad University which spends Rs.36,315 a year. Then comes the History Department which spends Rs.57,845 a year. The Civics and Politics Department spends Rs.21,300 a year. I want to put one simple question to the Hon'ble Minister: has he as the custodian of the interests of this Council satisfied himself that the money which goes to the University of Allahabad and other universities is utilized properly? Has he satisfied himself as to the amount of teaching that is done in the universities. Has the Hon'ble Minister satisfied himself as to the hours of work of the professors and lecturers? Has he satisfied himself that they do really any research work? My submission is that he who pays the piper must call the tune. Is the Minister satisfied that the money that goes to these universities is properly utilized? That is my first point. My second point is if any real stock of the research work done by the professors of Universities is maintained by the Government. I am not, Sir, one of those who think that our universities are autonomous bodies. I do not think that they are autonomous bodies at all. So far as I know there is only one institution in the whole of British Empire that is an autonomous body, viz. the Inns of Court. There is no other such institution. The universities of India are all governed by specific statutes which give Government wide powers in order to see that the money paid to universities is properly utilized. By moving this cut I wish to know from the Director of Public Instruction and the Hon'ble Minister whether they are satisfied that the money given to the universities of Allahabad and Lucknow particularly, is properly utilized and whether any real research work is being done in the universities for the moral and material benefit of our province.

Mr. E. Ahmad Shah : Allow me, Sir, to make a few observations on the remarks of the honourable mover, who has raised questions as to the way in which research work and its supervision is carried on in the universities. As far as I am able to gauge his views on the subject, he wants to know whether money is properly and usefully utilized by the different departments of the universities. He has taken for his example three departments of the Allahabad University, viz. Philosophy, History and Politics. Take the History Department first. The honourable mover stated that a sum of Rs.57,000 was being spent for this. He wanted to know whether this amount was fully and properly utilized. He pertinently raised the question whether there was any research work or any special work being done by the teachers concerned. The honourable mover is aware that one of his late colleague in this House who is in the Department of History, is doing admirable work in the world of politics by moulding and shaping the constitution of future India. I refer to Dr. Shafa'at Ahmad Khan. Then in the same department there are two historians whose names are too well known to be mentioned. The honourable members of this House are well aware of their reputation in the realm of history.

They have written books not for elementary classes, but books which are being used by universities throughout India. They are standard works, hailed as scholarly documents by eminent historians of the universities in India. If the honourable member wants to know the type of research work of the Philosophy Department of the Allahabad University, I will draw his attention to the research work which has been done by the Professor of Philosophy of that University. Two books have been written by him, one some years ago and another last year. The books have been reviewed by eminent philosophers of Germany and England, and if the views of eminent thinkers in those countries carry any weight, then it is a great credit to the research work done by the head of the department of Philosophy in that University. The honourable member perhaps was not aware of the research work done in the Allahabad University. Allow me, Sir, to bring to the notice of the honourable member the far-reaching effects of the researches of Professor M. N. Saha, who is one of the eminent scientists of northern India, and whose work has been recognized by eminent scientists of the world. He has gained the unique distinction of being made an F. R. S., which only a few scientists in India can claim. I can go on from department to department and supply facts concerning the actual research work of the different teachers of the university. But these are sufficient to show and assure him that the money which is being spent—though in thousands to a particular department—is being spent well, and the output of that money is certainly valuable in view of the return which it is giving in the shape of research work.

He raised another question about supervision of the research work. There are two aspects of it. Does he mean to ask about the supervision of the research work of students of the university or of the teachers? If it is of the students of the university, then I may inform the honourable member that the students carry on their research work under the supervision of the teachers of the various departments and quite a number of students are doing research work. I can speak about the research work in the Sanskrit, Economics, History and Philosophy Departments of the Lucknow University. Examiners from European universities are appointed to look into the research work of students along with one internal examiner. Judging from the degrees that have been conferred upon the students of the University, the honourable members will be proud to know that the external examiners spoke very highly of the research work of the students concerned. I can assure the honourable members of the House that as it is being done here, similar work is being done in the sister universities. If the honourable member wants to know about the supervision of the research work of the teacher himself, that supervision is provided for in the reviews on those books that these scholars are writing in the two universities. I may here quote the instance of the Professor of Botany in the Lucknow University, whose work has been recognized in both Europe as well as America. He was honoured only last year by a very high distinction, when he was appointed Vice-President of the Botanical Society of the

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World Botanists. I can assure the honourable member that whatever money is being spent on the University it is being spent in the right direction.

The greatest output of the teachers of universities is creation of strong personalities, men of sterling qualities and strong character. A large number of such eminent people are found all over the Province. Most of them are occupying foremost places in the various walks of life and quite a number of them are here in this honourable House. That is a direct output of the humble teacher of the University. If this is kept in view, there will be no denying the fact that the amount that is being spent on university education is well spent.

Shaikh Muhammad Habibullah : Sir, it is not the business of Government to supervise as to whether at these centres of universities specialized education in the form of research work is being properly conducted or not. In the first place my friend begins to think I presume that the grants to these universities are sufficient and that by the expenditure of such sums as seven and eight lakhs we can really do the work of specialized education in the universities at a high level. Of course Professor Ahmad Shah who knows the inner working of the teaching of specialized education has spoken at length and has said how the university education is going on and what sort of staff they have got and what is the product of the university up to the present moment. Sir, I would rather speak from a different viewpoint. As a custodian of the purse of a university and my experience as to whether at a certain cost are we or are we not producing the specialized trained men in particular subjects. I am very sorry that I have got to declare that we are insufficiently financed in this matter. For specialized subjects we want specialized professors in all branches. We have got specialized professors in certain branches in Allahabad and Lucknow like Drs. Saha and Sahni. If we want men of that type for specialized education we want more money to spend to get a staff of that calibre and offer more pecuniary help to the students, and obtain more equipment and better libraries than we have got at the present moment. I should like to hear from the honourable mover as to how the Government as it is constituted today can exercise supervision over the specialized education. Will it be through the members of this House who will be deputed and will inspect the research work carried on in the universities? I should like to know the names of the professors at the disposal of Government in addition to those attached to the universities who can supervise as to whether this specialized work is carried on at a high level or not. I think the staff of Government is very poor in this line. They have not got at their beck and call anybody who can inform them as to whether the specialized education on any university is carried on properly or not. What is the element at the control of Government which they may use to supervise the work of such specialized men as Saha and Sahni? Sir, I thought that after his experience of European universities my friend will come forward and move a resolution of a different type, saying that the specialized education in India is mostly needed and that we do not want now to

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produce a number of B.As. and M.As. but we want to produce men specialized in the higher arts and sciences and other subjects. I think when I come to speak on my own token motion I will be able to impress the House of the special branches in the university which require more money for higher research work than we get at present. I hope my friend will not adopt this attitude and ask the Government to go and supervise whether this paltry sum which they are spending on the three universities is being properly spent.

Munshi Gajadhar Prasad : It is unfair to any university to commercialise its research work and ask for such supervision. My honourable friend is anxious to ascertain whether the Universities of Allahabad and of Lucknow were carrying out what he terms real research work and for this purpose probably he suggests that Government should take the responsibility of supervision on its head. Now Sir, granting for a moment that this were at all possible, how can Government successfully do it? My submission first is that this is an impossibility because when the research work is done by people who are training M.Sc. students or are postgraduate students themselves, how can it be judged by persons of average abilities whether it is work of value or not? Then Sir, the question of weighing the results in golden scales does not arise in this particular branch of learning. A certain person or professor may be able to produce ten theses in a year which may not be exactly of the same value as the work of another who produces one thesis of outstanding merit in a couple of years. Now Sir, my honourable friend Mr. Ahmad Shah has spoken highly of the work done by the Allahabad University and this research work has been spoken highly of by other universities in India, and by people abroad, and also in the report of the Director of Public Instruction given last year. Now Sir, as I have submitted, it would not be fair to make a comparison that will perhaps be invidious. I will just mention one or two names of the Allahabad University. Some names have already been mentioned I refer to Dr. Saha and Dr. Sahni, the former being probably the third F.R.S. in India, whose work has been highly praised by an eminent scientist like Sir J. C. Bose. The research work done in constitutional history at the Allahabad University by Dr. Beni Prasad, by Dr. Tara Chand and some others are really of a very high order. Then we also find that on the mathematics side some real and substantial work has been done. On the philosophy side, Mr. Ahmad Shah, who is himself a philosopher, has paid a tribute to the research work done by the two universities. Now in view of all these circumstances I would submit that it would be unfair to take a gloomy view of the situation, or suggest that the money spent for research work should be curtailed. We must have trust in the people who are in charge of teaching higher subjects. It will be within the memory of many people that when Dr. Ganesh Prasad who was formerly a member of this Council was professor of mathematics at the Queen's College, Benares, he used to teach five to six hours a day. Now he is in charge of higher studies at Calcutta, as Hardinge Professor of higher

Munshi Gajadhar Prasad.]

Mathematics, and I have it on his own authority that it is not compulsory for him to teach even one hour a week—the whole matter rests with him and he has a band of enthusiastic students working under him whose researches are published at Calcutta and some of them are being sent abroad also. The irresistible conclusion is that people doing higher researches cannot be tied down. We must take their work on trust; we must give them plenty of money; we must give them plenty of good apparatus; we must give them good libraries. If we were to measure their work in a purely commercial spirit, the result will be that probably we would be crippling higher studies and research work, of which there is a great necessity in our province. I hope the Khan Bahadur Sahib will think twice before insisting that the sum spent on research work should be curtailed.

The Hon'ble the Minister for Education : Sir, I confess I have not understood the object which the mover of this cut has in view. So far as I have followed him he wants the Minister to exercise supervision on the research work done by these universities. I do not know whether he wants the Minister to personally exercise this supervision or whether he would like that some machinery should be created in order that the work of the Professors in the universities may be supervised. I wish to remind him that the universities are autonomous bodies. The work of teaching and research has been entrusted to them, and they have got their own committees and faculties through whom they exercise the necessary check. I do not think that either the Minister or this Council would be in a position to undertake the responsibility of checking the work of the university Professors. Sir, the honourable mover may have perhaps meant that we should exercise some sort of check on the time spent on research work by the Professors; I do not know whether that was his meaning. There again the matter must be left to the discretion of the universities. And apart from the authority who should exercise this check, the honourable mover must realize that research work cannot be produced to order. We may have a man working for years without producing work of any merit or of a quality which would entitle it to be called research work. Then, Sir, I would like to state that from what little I know of the value of research work done in our universities, it is of a very high order. The names of several distinguished Professors in the Allahabad and Lucknow Universities have been mentioned here. They are a credit to our universities, and I think that I can confidently assure the House that the work which they are turning out is of great value and is appreciated not only in this country, but in the scientific world as a whole. I would ask the honourable mover not to press his motion. The net result of it would be to deprive these universities of another ten rupees, and the Finance Secretary has just pointed out to me that if a cut of this character is carried, then we should not be able to give to the universities any more money should we have surplus funds during the course of the year. It limits us to the amount which would be voted by this Council minus the cut. I hope, therefore, Sir, that the honourable mover will not press his motion.

Rai Bahadur Babu Vikramajit Singh : I have not been able quite to follow the honourable mover when he says that the university bodies are not autonomous bodies. What I understand is that so far as the internal management of the universities goes, these must be treated as autonomous bodies. It is only the power of the purse that is in the hands of the Government. If the Government were satisfied that the university bodies are misapplying funds, they would certainly have the right to cut down the grant. When the Government have made a block grant, say for a period of five years, they can if they are satisfied that the universities are not properly applying the funds, reduce the grant and force the universities either to shut down classes or to reduce expenditure. But beyond this the Government can do nothing. The university no doubt is a body created by means of a statute but then it is only governed by a statute, and I think even Government has to follow certain rules and enactments and for this reason, it is also a kind of statutory body. Therefore, I submit that the mere fact that a university has been created by means of a statute does not mean that it is not an autonomous body and that it is to be controlled by an outside body with regard to its internal management. Under the statute the university has got its own executive council; it has got its own academic council; it has got its own senate, and therefore it is for this body to lay down rules for the guidance of its business. I do not really see how Government can interfere either in the matter of research or in that of teaching. It will be considered an absolutely improper interference on the part of the Government if they were to do that. Of course the Legislature can alter the statute or the enactment, but the honourable mover has not said that that enactment or statute ought to be altered. What the honourable mover has said is that the Government have got the power to look into the finances of the universities. I do not really see how on the facts which have been placed by my honourable friend there is any necessity of that kind whatsoever. If my honourable friend had placed any facts before the House where it would have been necessary to interfere with the expenditure of the universities, it might have been a different question; it might have been a question whether the grant of the universities ought to be cut down. But so far as the speeches have been made by those who are acquainted with the inner working of the universities, it appears that the funds in those universities are not at all misapplied and there is no complaint. As a matter of fact it has been said that more and more funds are needed for the universities, and therefore I think that the honourable mover will be well advised to withdraw the motion.

Khan Bahadur Hafiz Hidayat Husain : Sir, in supplementing the speech of the Hon'ble the Minister, the honourable member for the United Provinces Chamber of Commerce has understood me to mean that I want the Government to interfere in what he says the ordinary management of the universities. Nothing could be further from my thoughts. I know that a university has got its functions to perform

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and that its functions are performed with the money allotted to it by the Government. What the intention of my cut is that I want to know if the Government has any information with regard to the research work of the professors of the universities. Are Government acquainted with this fact that the professors of universities do not teach more than a few hours and that they regulate those hours according to their whims and caprices. Well, if the Government feel chary of finding out these broad facts on the ground that the universities are governed by statute and that statute does not provide for this little knowledge being given to them, I do not agree. Anyhow, I am impressed with the speech of my friend Mr. Ahmad Shah who occupies an important position in the University. I wish that the universities were in a position to specialize themselves in certain branches of learning and did research work in those branches. For instance, the University of Lucknow might specialize in literature, as the University of Oxford has done. The University of Allahabad might specialize in Mathematics as the University of Cambridge has done. This was my intention, and I hope that, if I have not been able to express my intention in my preliminary speech, the Hon'ble the Minister will bear this in his mind and take steps to see that in future the universities of these Provinces do separately specialize in certain branches of studies. I had no intention from the very beginning to press this motion to a division and with these few words I ask the permission of the House to withdraw it.

The motion was, by leave, withdrawn.

Rai Bahadur Babu Vikramajit Singh : I beg to move that under sub-head "University education C—Grants to non-Government Arts Colleges" a reduction of Re.1 be made.

It will be admitted on all hands that education is the concern of the Government, that it is the business of the Government to provide facilities in the Province for education. But we find that with the help of private individuals a number of institutions have sprung up in these Provinces and if we look to the list of the colleges that are given in the official report on page 17 it would appear that there are at least eight non-Government colleges situated in these provinces; and these non-Government colleges are given aid by the Government. My submission is that the aid which is given to these institutions by the Government is not quite sufficient. It has been stated in this official report at page 12 that the Universities of Allahabad and Lucknow receive very considerable block grants from the Provincial Governments, while the Agra University receives a grant for its supervising and organizing activities and generous maintenance grants are given direct to each affiliated college within the Province. Sir, my submission is that it is not correct to say that generous maintenance grants are given to these colleges. I should say that very meagre grants are given and I will be able to substantiate it from the figures given in this very report. At page 13 of the report the number of students who are trained at various universities and affiliated colleges is given. We do not find from this report the number of students at each college or the number of students

at the universities; but we may take it as a test that the number of students which is given in this report represents those who have passed out in a particular year either from the universities or these affiliated colleges. It would appear that from the Allahabad University in one year in all the various departments 868 students passed out and in the Lucknow University 734 students passed out: while from the Agra University 1,927 students passed out. So that the number of students who are trained and passed out of the Agra University colleges is more than the number of students which pass out from the Allahabad and Lucknow Universities put together. That would show that these affiliated colleges supply a great want and, in fact, turn out more students and teach equally as many subjects as the two universities of Allahabad and Lucknow do. But when the question of grants come, we find that the Allahabad University gets a grant of Rs.7,00,757, and Lucknow gets a grant of Rs.8,82,783. It has been admitted on all hands that the grants which are given to these two universities are not quite sufficient and more money is needed. But when we come to the grants of these non-Government arts colleges, it would appear that a grant of Rs.4,99,088 is given to all the colleges and that the number of these colleges is eight. So that on an average it would come to about Rs.62,000 per college. Now, Sir, can this grant be considered to be sufficient for these colleges? It is quite true that these colleges continue their working on the existing lines, because more money is not given by the Government, but will it be correct to say that the grants to these colleges are generous? I can say, Sir, that there appears to be no scope for expansion on the basis of the grants which are given to these colleges; every pie of expenditure is strictly scrutinized and if a lecturer has to be appointed a year or two years previous to the appointment, an application is to be made and sanction obtained from the department. No grant is given if the lecturer is appointed without such a previous sanction. Can it be said, looking to all the facts and figures, that this grant which is given to the non-Government colleges is a sufficient grant? Look at the number of teachers that are employed in the various colleges; look at the number of alumni that receive instruction in these various colleges; look at the number of subjects in the post-graduate courses, or pre-graduate courses that are taught in these various colleges. Taking all these facts into consideration, can it be said that the grant which is given to these colleges is sufficient? I submit, Sir, that as these colleges are run by bodies of private individuals, they are run much cheaper than if the Government were to run these colleges themselves. If all these colleges were handed over to Government the Government will have to spend at least four times the money that is being spent now on these colleges. It will not be able to run the colleges as economically as they are being run by the managing body.

The Hon'ble the Minister for Education: Why?

Rai Bahadur Babu Vikramajit Singh: Because the scale that the Government has for paying the salaries of the teachers is much higher

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than what is to be had in these private institutions. Compare it with the universities and you will be satisfied at once that the salaries that are paid here to the staff are much lower than the salaries which are paid in the universities, and we have got in these colleges the same kind of teaching. You find there the B.Sc. courses, the M.Sc. courses. You find there B.A., M.A. and all the subjects that are taught in the universities. In fact it can safely be said that the students who are turned out by the Agra University and those from these colleges compare very favourably with any of the students who are turned out from the Allahabad or Lucknow University, and, therefore, I think, Sir, that the Government ought to consider this question very liberally and generously in the interest of these aided institutions—these colleges. I may here further point out a remark which has been made in the official document at page 13 : “Notwithstanding the very generous grants already made to university education by Government, most reports received breathe a spirit of dissatisfaction with what has been received and in expectation of increases which cannot be satisfied. The limitation of provincial revenues and the demand for a wider spread of elementary education and for an increase in girls’ education have checked the growth of expenditure from provincial funds on university education, and it seems possible that a reduction of such expenditure will be necessary. Sources of taxation have run dry, and it is not to be expected that more money will continue to be forthcoming. Private benefaction is a vein which could be worked, for it is now quite clear that further increase in Government contributions is at present out of the question.” I take exception to a statement in this paragraph. It appears that Government money is needed for elementary and girls’ education and, therefore, they think that there may be a possibility of reducing expenditure on university education. I should say that it is not a correct policy. It is really robbing Peter to pay Paul. What we want is that Government should not rob Peter and pay Paul. They should pay from their own funds. They should not say that they will deprive the colleges or reduce their grants and then spend money on girls’ education or elementary education of boys. That, I submit, is not a right policy, and cannot be accepted as a correct policy on the part of Government. University education is absolutely essential and it has to be expanded.

The Hon’ble the Minister for Education : To what extent ?

Rai Bahadur Babu Vikramajit Singh : To any limit that Government can go. Elementary education is for the masses, while this particular kind of education is necessary to develop the intellect. Unless you produce intellectual men, there can be no future for a country. It is absolutely necessary to have university education. My submission on this point is that Government should not think of restricting at the present limit the grant that they give to these colleges. The grant is certainly insufficient, and it is absolutely necessary for Government to pay proper attention to the representations of these colleges and to look into the matter wherever it is necessary to give a further grant.

I may further point out that both in the interests of Government as well as in the interests of the institution it is desirable to fix a block grant for five years for these colleges. Government may make a preliminary investigation and fix a proper block grant for colleges. That will save a lot of botheration. That will reduce the work of my honourable friend the Director of Public Instruction. There are so many colleges. The correspondence with these colleges is a very lengthy one. the budgets of these colleges year after year have to be scrutinized and every item of expenditure has to be seen. I think an officer like the Director of Public Instruction ought to welcome a suggestion of this kind that for these colleges block grants ought to be fixed in the same way as block grants are going to be fixed for universities. In fixing block grants Government ought to consider the present needs and scope for expansion during the next five years, so that the rights and claims of these colleges may be properly looked into. Therefore, Sir, my submission is that Government, with regard to these non-Government colleges, should fix block grants and these grants ought to be suitable with regard to the existing needs of the colleges as well as the scope for further expansion.

Rai Bahadur Babu Awadh Bihari Lal : Sir, I have a similar motion in my name on the same item. My honourable friend, Babu Vikramajit Singh, has clearly pointed out the useful work which these colleges are doing. These colleges, several of which are centered at Cawnpore and with the condition of which I am well acquainted, are giving highest education in Arts and Sciences, and they provide for the highest education of a very large number of boys. Their resources are either subscription, or, in some instances, property endowed, both of which are failing at this moment. All philanthropic persons find their purses empty and it is with great difficulty that the managers are able to raise money now to keep up the staff and to carry on the work and still I find that the recurring grant for non-Government colleges has been reduced from Rs.5,00,000 to Rs.4,78,000. There might be increases in some, but the result is a considerable decrease in the grant. The total grant seems to be a little higher by Rs.4,000 or Rs.5,000 as compared with the last year's final figure of Rs.4,96,000, but the difference of Rs.2,000 or Rs.3,000 is made up by the emergency cut. Really the grant has been curtailed from Rs.5,00,000 to Rs.4,78,000. I know that where there are endowments of zamindari property the zamindari income, as all zamindar members of this Council must know, has considerably fallen and that is inevitable when Government itself has given large remissions to tenants, and even if a proportionate remission of revenue were given to zamindars a large share of the loss must fall to them. If, for instance, Rs.20,000 is remitted in rents and Rs.50,000 in revenue, the balance of Rs.15,000 is borne by the zamindar and Government's share of that burden is only Rs.50,000. So every institution which has endowment of zamindari property it has suffered considerably while other institutions which depend on subscriptions have also suffered. So there is absolutely no reason why

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the grants to these institutions should be curtailed in these hard times. I hope the Department will see that these grants are in no way curtailed if the colleges are to be retained. It is a different thing if the Government changes its policy and thinks that higher collegiate education should be transferred. But as long as higher education is to be given in these colleges and these colleges are to be maintained, then they ought to be sufficiently assisted. I think it needs no argument to convince the House that if the Government were to maintain these institutions direct, it will have to spend double the amount. So these colleges are economical. In fact in the Retrenchment Committee we were considering the proposal whether some of the intermediate colleges at least can be given over to private institutions to work on grant system. That would bring in a considerable saving, a saving to the extent of half the cost. But these institutions should not be starved. With these few words I resume my seat.

Mr. A. H. Mackenzie : Mr. President, I expect when I come to this meeting of the Council to receive more kicks than thanks for the work that the Department has done. But I was astonished that my honourable friend rose to criticise the attitude of the Department in regard to grants-in-aid for aided colleges. I do not know whether when I leave these Provinces I shall have anywhere a statue.

Rai Bahadur Babu Vikramajit Singh : We shall have your statue in Cawnpore.

Mr. A. H. Mackenzie : If there is to be a statue I should like to have on it "Always the benefactor of the aided degree colleges", because if I take credit for anything, it is the large increase in the grants-in-aid to the aided degree colleges in the United Provinces. Perhaps honourable members may not accept my statement; they may wish my statement to be verified in some way. Well let me read to them these astonishing figures which I have in my hand here. These figures show the expenditure by Government as a ratio of total expenditure on institutions which are giving education of a university standard. The Government of Madras contribute to these colleges 47·78 per cent. of the total expenditure; Bombay 32·7; Bengal 46·7; the Punjab 44·5; the United Provinces—and this is a figure that I hope will sink into my honourable friend's heart—58·6 per cent. We stand right at the top of India, right on the Himalayas—58·6 per cent. However, let me bring my remarks closer home to the honourable member. We know that he is the moving spirit, the father and the mother, of the Sanatan Dharma College, Cawnpore. Now let me quote to my honourable friend, just to remind him, the figures for the last five years for his College. During these five years the total expenditure on the College has amounted to Rs.4,11,000. Towards that amount the Government contributed no less than Rs.1,84,000 whereas his own community contributed only Rs.83,000. When I say "only", I do not mean to suggest that the sum is small. It was a good sum, but what I do say is that the Government grant,

being over a lakh above the figure contributed by the College themselves, was very generous. I do not think that the honourable mover is acting up to his well-deserved reputation for fairness when he attacks the Education Department in a matter of this sort. I could go on to quote figures after figures to show how during the last ten years the grants to these colleges have gone mounting and mounting up. The Government do not grudge a rupee of it. They know that these colleges are doing excellent work and that the money is well-deserved, but I think it is reasonable for the Government to expect just a little, a very little gratitude. The honourable member went on to suggest that the Government should fix a block grant for these colleges. That is quite a reasonable proposal. It was a proposal made by a gentleman whom we all very much respect, when he presided at the Convocation of the Agra University last year. My honourable friend gives as one of the reasons that a block grant would save the Director of Public Instruction trouble. Well, there is something in that. Anything that makes administration easier is to the good. But this is a very bad time for fixing block grants. We have not been able to do so in the case of the Allahabad and Lucknow Universities and if we were now to fix a block grant for these colleges, I do not think they would thank us because the block grant would have to be limited by the present financial circumstances and the result would be that the colleges would get for the next five years less than they are likely to get under the present system.

Now what is that system? It is a very fair and equitable system. It is this. We give to the colleges the total difference between their approved income and their approved expenditure, subject only to one limitation that the grant shall not exceed half of the approved expenditure. That system is a fair system. Compared with the systems in other provinces it is a very generous system. If my honourable friend chooses to inquire at Delhi or Lahore how colleges in those places are treated by Government, he will find out that they all envy the United Provinces for the generous system of grant-in-aid to degree colleges. Two years ago I officiated as Educational Commissioner with the Government of India. One of my duties was to recommend grants for the Delhi colleges. When I told these colleges what we were doing in the United Provinces, they held up both hands to me and said "Take us over to the United Provinces." So if my honourable friend the Rai Bahadur is not satisfied with the United Provinces I shall let him take his Sanatan Dharma College to the Punjab or to Delhi; he will come the next day to the Director of Public Instruction and say "Take me back again to Cawnpore under your kind and generous control." I hope after the facts I have given to the Rai Bahadur he will withdraw this motion—not only withdraw it but withdraw it with a handsome apology.

The Council was then adjourned for lunch at 1.30 p.m.

After recess the House re-assembled at 2.15 p.m. with the Deputy President in the Chair.

Rai Bahadur Babu Vikramajit Singh : Sir, my honourable friend the Director of Public Instruction, when I wanted more money for the non-Government colleges, was so upset that he entirely forgot as to what was my real meaning with regard to the motion before the House. I was not complaining about the grant to the Sanatan Dharma College. That has never been my intention. I never said one word about the Sanatan Dharma College. I know that the Director of Public Instruction, Mr. Mackenzie, has been very good and nice to the Sanatan Dharma College. I have no complaints with regard to that. His opposition to this motion reminds me of the story of Oliver Twist in the Dicken's. When he wanted something more the person who was in charge used to be upset. So here the colleges do really want more money. There is no doubt about it. My point was that if you will make a comparison between the grants that the Government gives to the universities and the grants that the Government gives to the affiliated colleges, you will find that there is a very great difference between the two grants. The Director of Public Instruction absolutely did not touch that point. He did not meet it. I had pointedly brought that point to the notice of the Government and to the notice of the House that there was so much difference between the grants to the various institutions which trained students for the same object. In one case it was something like 16 or 17 lakhs of rupees, in the other case it was only 5 lakhs of rupees, while the number of students that the colleges trained was larger than the number of students that the University trained. In fact there was a difference of 3 to 4 times in the grant that was given to these colleges. It ought to have been looked at from that point of view. The honourable the Director of Public Instruction has told us with regard to the Sanatan Dharma College that while the Government gave a grant of 1 lakh and 80 thousand the public subscription or the management's subscription was only 83 thousand rupees. I think, Sir, that the Government ought to consider that this is a windfall to them. He cannot always think that the public will go on contributing to the private institutions. There must be a certain limit to the charities of the people towards the institution. If it is considered that the Government is bound to maintain the institutions and the Government is bound to give education, then in that case any help that comes from the public ought to be thankfully received. The Director of Public Instruction knows that several lakhs of rupees were raised by the promoters of the college from the public in putting up that College, as a very substantial non-recurring expenditure was incurred and then from time to time the College has contributed from its own funds. But the question is whether the Government will compel these colleges to go on raising donations and subscriptions from the public and live from hand-to-mouth, or whether the Government will chalk out any definite policy for the purpose of promoting these colleges. The Sanatan Dharma College has now been in existence for over 12 years or 13 years. It has got as other colleges have got, a certain maintenance fund, but the maintenance fund of these non-Government colleges is very

inadequate and it has to be supplemented by efforts from year to year and month to month by raising funds from the members of the public. The question is how long a thing like that can go on and whether this is a thing which will help to the advantage or to the benefit of the college. There is always a difficulty in raising donations from the members of the public. I think the Government is aware that there is a slump in trade and business, and consequently there is a great difficulty in raising funds from the members of the public. Another point is and I might draw the attention of Government to that question, whether the Government has been helpful or instrumental in getting help for these various institutions. That is, unless the Government gives some definite encouragement to the members of the public it is always very difficult to get assistance from the members of the public for institutions. There is no doubt that there are certain members of the public who give away money in charity and want no recognition and no return. There are others who if they give a substantial amount towards charity they want certainly some kind of recognition from the Government. And I think, Sir, that some assistance from the Government even in these matters is helpful and it encourages the promoters and the people who are in charge of the management of the institutions. If the Government were to consider that those who have donated large sums of money to various institutions through charity will be recognized in some form or shape then in that case that may be an incentive to many other people to come forward and to help the institution. I do not think that the Government has looked at it from this point of view. Consequently I think, Sir, that the Government has not merely to look at the grants-in-aid to these colleges from the point of view of the statistics which have been quoted by my honourable friend the Director of Public Instruction that Bombay, Bengal, the Punjab and other places give a smaller percentage than the United Provinces Government. It is very creditable to the United Provinces Government that they give a larger percentage of the contributions. But that does not mean that the grant ought to end there.

The Hon'ble the Minister for Education : It should be *still* larger.

Rai Bahadur Babu Vikramajit Singh : Certainly—it should be larger. My point is this that the Government ought to examine the finances of the colleges as they exist at present and looking at the maintenance funds of these colleges and the needs of these colleges, the Government ought to fix a block grant so that these colleges may be able to run in future without any extraneous assistance because after all the extraneous assistance is always very precarious—it may come or it may not come. Sometimes it does come, sometimes it does not come. Those who have to raise funds know how difficult it is. There are some institutions which are presided over by Commissioners of Divisions on the managing bodies of which we find very influential and leading persons on the institutions. There are some institutions which are presided over by the District Officers and there

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are others which are purely non-official and consequently it is absolutely necessary for the Government to consider these various aspects of the question, not merely to throw it away on the ground that we give a larger percentage and it is the business of the people to see that the colleges are run. But I would ask the Government to look at the matter sympathetically, I would ask the Government to consider the present financial position of the various colleges, to consider the needs of the various colleges and then to fix a grant for the various colleges according to their present needs and future requirements.

The Hon'ble the Director of Public Instruction has told us that it is not the proper time for fixing a block grant because there is a financial stringency. I do not know whether this has been said in the interest of the College or in the interest of the Government, because so far as the Government is concerned they ought to be happy if they were to fix a block grant at this time and the future position of the finances would be better than before. I think, however, that all this has been said in the interests of the Colleges themselves. If the block grants are accepted it will not happen in a day. It will be necessary for the Government to investigate the needs of all the colleges and then to fix a block grant. It cannot materialize in a very short time. It will take at least 12 months before Government could be in a position to fix a block grant. In any case it will not be before the beginning of 1934; therefore, nothing will be lost by the Government if they accept the proposition that I put up. And my proposition mainly is that the Government should fix a block grant for the various colleges according to their needs, and this block grant should continue for five years.

Shaikh Muhammad Habibullah : Are these colleges residential and examining institutions?

Rai Bahadur Babu Vikramajit Singh : Are you asking me or other members of the House?

These colleges are not necessarily residential, but they provide accommodation for a large number of students, in fact so far as the Sanatan Dharma College, Cawnpore, is concerned we provide accommodation for a very large number of students, and most of these students are hostellers and reside in the boarding-house there. Some students who are at college reside in the city. In a way they are examining bodies because they are affiliated to the Agra University, and secondly the Agra University being an examining body the answer is there.

The Hon'ble the Minister for Education : Sir, I am rather surprised at the defeatist view of the mover of this resolution. I should have thought that he would relieve the Government of the expenditure on these colleges. I know he can do it if he really wants to. But the whole truth of it is that he wants to pass on the burden to Government. He does not want to exert himself. Sir, the question raised by him is that all education is the concern of Government, or the entire concern of Government. Sir, I demur to this principle.

I think, Sir, and most of us are agreed on this point—that advanced education, University education, collegiate education, is not the entire concern of the Government. In all western countries all over the world colleges and universities are largely the result of private benefactions. The State does support and help them, but it could not be laid down that it is the duty of the State to supply an unlimited number of colleges and universities for the benefit of the few. It would have been different, Sir, if we had lot of money to spare and if our requirements in other fields of education were not so pressing. We have heard a good deal during the last few days about the deplorable condition in which female education is found today in the Province. That branch of education alone is going to cost us a fabulous sum of money. I think it runs in the region of nearly two crores of rupees.

Rai Bahadur Babu Vikramajit Singh: That is all on paper.

The Hon'ble the Minister for Education: We have to improve literacy; we are to have more secondary schools so that if we are going to do any justice to each of these branches of education we will not have any money to spare for university and college education. By this I do not mean that we should give all our money to these branches of education and that we should not attend to the urgent requirements of higher education; but I am only pointing out that we have not got surplus money with which we could look to the unlimited demands of higher education. I asked the honourable mover of the resolution whether he put any limit to the extent to which he considered Government bound to provide facilities for higher education. His reply was an emphatic "No." That means that the State is bound to satisfy every demand for higher education which may manifest itself in the future.

Rai Bahadur Babu Vikramajit Singh: On a point of personal explanation, Sir. I never meant that the amount that would be needed for these colleges would be unlimited. What I meant was that block grants ought to be fixed, looking to the present needs of these colleges, looking to the future requirements of these colleges and also taking into consideration their maintenance funds; so that that question is not very difficult to solve.

The Hon'ble the Minister for Education: I am coming to that question of block grants separately, Sir.

I am speaking just now only on the general proposition laid down by the mover of the resolution. We are today spending 13 per cent. of our total expenditure on education on University education, 31 per cent. on secondary education and 41 per cent. on primary education. There is no comparison whatever between the numbers which benefit from these different branches of education.

Shaikh Muhammad Habibullah: What about the 15 per cent. that is left?

The Hon'ble the Minister for Education : That is of course miscellaneous—special education, inspection, direction, etc.

Well, Sir, my point here is that we must put a limit to the amount that we would spend on higher education if we are to see any real progress in the other branches of education. Our resources are limited, and we must cut our coat according to the cloth at our disposal.

Sir, I am afraid my friend, the mover of the resolution, has made a rather invidious comparison between these non-Government colleges and the Universities. He has said that these non-Government colleges turn out a much larger number of students and that the expenditure on them is much less. That is perhaps correct. But, Sir, we all know the difference between the quality of teaching imparted in the universities and in these colleges. The test of this training is not by examinations alone. It does not require any elaborate argument to prove that teaching imparted under distinguished men like Professor Saha, Dr. Wali Muhammad, Dr. Dhar, Dr. Sahni is of a far superior type than what is being imparted in the other colleges, where the staff does not possess the same degree of scholarship. Moreover, Sir, the atmosphere of learning and culture in the universities is very different from what one can expect to have in these mufassil colleges. By this I do not mean that these mufassil colleges are to blame for it. In the very nature of things they could not have the same facilities, the same equipment, the same libraries and the same staff as these universities can have.

So with every respect for the contention put forward by my friend I would differ from him on the observations he has made in regard to the quality of teaching being imparted at the universities and in these colleges.

Sir, as to the question of block grants which my friend wants to be fixed for mufassil colleges, the Director of Public Instruction has referred to the difficulties of fixing any grant at the present moment. I would go one step further and say that it is not in the interest of the colleges themselves to tie themselves down to a fixed sum at any time. Their needs are expanding and they cannot be sure that a sum of money which is given to them today will be sufficient for their requirements tomorrow. There is a larger number of students seeking admission, they are desirous of opening new departments, and, in short, they are all the time expanding and incurring additional expenditure. The present system to my mind seems to be very satisfactory. I do not know what is the fault with it. As the Director of Public Instruction has explained, we pay to these colleges the difference between the income and the expenditure subject to certain restrictions. This method ought to automatically adjust itself to the changing requirements of any institution. Of course what my friend may have had in mind is that the Department sometimes does not approve of the opening of new departments in colleges where there is a danger of duplication. There is a tendency on the part of many of these colleges to be self-contained in almost every branch of learning. We have in Cawnpore itself two or three colleges each of which vies

with the others in having all possible departments. I believe I am not entirely in the wrong when I say that at least two colleges there have commercial classes. LL.B. classes and duplication in other subjects too. We have, Sir, to prevent a duplication of that kind. It is far better to have one good college teaching law than two colleges with indifferent staff or teaching facilities. I hope, Sir, the honourable mover will not conclude from my speech that we are not sympathetic towards the mufassil colleges. They are serving a very useful purpose. All credit is due to those through whose efforts they have been started, but, Sir, I appeal to them that they should share a little more of the burden with us. They can do it if they only want to. We would all the same consider every reasonable demand which we may receive from these colleges. Mr. Mackenzie very seldom indulges in self-praise, but he has done so on this resolution, and you may be sure that he will not let any of these colleges suffer.

Rai Bahadur Babu Vikramajit Singh : May I put one question? How can these block grants promote duplication?

The Hon'ble the Minister for Education : We cannot have the same check. Supposing there is a college in a city teaching law, another college wants to start the teaching of law. This will be pure duplication. But we cannot stop it from doing so as long as its expenditure is within the grant which we have given.

The Deputy President : What is the issue before the House?

Rai Bahadur Babu Vikramajit Singh : That for the non-Government colleges a block grant be fixed in place of the annual grants which are given year after year by the Government.

The Deputy President : The House has heard the issue from the honourable mover of the motion. The question is that under sub-head "University Education—C—Grants to non-Government Arts Colleges," a reduction of Re.1 be made.

The question was put and negatived.

***Rai Bahadur Thakur Hanuman Singh :** I beg to move that under sub-head University Education—C—Grants to non-Government Arts Colleges, a reduction of Re.1 be made.

Sir, my intention in placing this motion before the House is to bring to the notice of the Government and of the Education Department of these Provinces that in Lucknow and in other big cities of the Province facilities for the higher education of girls are very small. There is no college either in Lucknow or in any big city which may teach the girls B.A. and M.A. courses. The desire is increasing among the parents to give their girls university education, but owing to the want of facilities it cannot be done. Here in Lucknow, excepting the Isabella Thoburn College, there is no other college which can teach the girls up to the B.A. or the M.A. standard. It was only this year that the Mahila Vidyalaya was recognized up to the Intermediate standard, but that is secondary education. No doubt the

*Speech not revised by the honourable member.

***Rai Bahadur Thakur Hanuman Singh]**

Isabella Thoburn College gives university education, but every one knows that it is a college which is managed by Americans and Europeans, and the students there are mostly Anglo-Indians and Christians. Hindus and Muhammadans do not generally like to send their daughters to this college for education. They think that owing to the society of Europeans there, their daughters' ideas and mode of living may be Europeanized or Anglicized. This idea deters them and I think they are right, because our daughters after receiving their education in such institutions have to come back to the society to which they belong, and there they are not found very suitable on account of their manners and of their ideas which they imbibe when they receive education. The Lucknow University has affiliated the Isabella Thoburn College and is examining the students from that College for the B.A. and M.A. degrees. To meet the requirements of the Lucknow University Act, they are paying some small amounts to the professors of the college so that there will be no defect in the affiliation.

There is a great necessity that in a big city like Lucknow, where there are more than three schools or intermediate colleges, there should be a college to teach girl students up to the university standard. This can very easily be done by Government by granting a grant-in-aid to the Mahila Vidyalaya, or, if the Muslims may like, to the Muslim school also, so that by and by it may raise itself to the standard of a university college. This will meet the needs both of the Hindus and Muslims. As for the Christians, their daughters can very well go to the Isabella Thoburn College or to one of those colleges which may be established hereafter. It is not unoften that we have heard from Government that suitable teachers are not available for imparting education to the female wards under the Court of Wards. Why? Because the facility for higher education is very very small. I hope Government will give their best consideration and try to remove the obstacle which is in the way of university education of girls.

Shaikh Muhammad Habibullah : Sir, whatever may be the object of the mover of the motion in asking for facilities for the establishment of more girls' colleges, I must dissociate myself with the remarks he has made in relation to the Isabella Thoburn College that it is an institution which does not suit the Hindus and the Muslims and that the girls who go to that college are not turned out of the kind wanted by the society of Indians. I am afraid the mover of this resolution has been very ungenerous in making that statement about the most noble girls' institution that exists. I hope the honourable mover will kindly go and visit that institution which he thinks is exclusively meant for Christians and produce girls who are not of the proper type. There are Hindu girls, there are Muslim girls, there are Christian girls and there are Parsi girls, and all live in a very friendly manner and I think under the best control.

Khan Bahadur Maulvi Fasih-ud-din : How many Hindu and Muslim girls ?

Shaikh Muhammad Habibullah : I am not the Principal of that institution. But I know that girls of my own family are there as well as of other communities. The Lady Principal said "Under the rules of the Institution girls are not called to the phone." Well, you can see from this what sort of control they keep on the girls, and without permission nobody is allowed to go to the school. I think it is the most ideal school and run on the best principles. It appears to me that my friend has got an idea that as far as the education of girls is concerned, we must communalize them.—Hindu girls' school and Muslim girls' school. We have got enough. Do not let us have Muslim girls' college and Hindu girls' college. If there are any colleges of that kind they should be discouraged. The future of India does not depend on these communal institutions of this kind.

***Rai Bahadur Thakur Hanuman Singh :** I am talking of the present and not of the future.

Shaikh Muhammad Habibullah : If I mistake not, my friend expressed the desire for the establishment of colleges which do not exist, things which do not exist and which he wants to come into existence. I would like to know whether that refers to the future or to the present. I cannot understand his logic. When I express a wish that a thing should come into existence, I am supposed to talk of the future. Coming to the point again, in Lucknow itself I think we have got better facilities for the education of girls in higher studies through the Isabella Thoburn College. Well, the time has come now when our girls may go and join the university classes and we may have to build hostels for them in the universities. Purdah system is dying out and it must die out. There are some girls now who go and attend lectures in the Lucknow University and there are Hindu girls as well as Muslim girls. I think that for the education of our girls we should try and see that our girls are not trained, are not brought up and do not receive higher education, which will fill them with communal ideas. They should be free; they should be ideal Indian girls; and they should be highly educated so as to be the mothers of the future generation and bring up their children and even to take part in all civic life of the country like the women of other countries.

Saiyid Ali Zaheer : Sir, it is not my intention in speaking on this cut to enter into the controversy that has arisen between the speakers who have just spoken before the House. We all know what sort of education is given in the Isabella Thoburn College. It is for those people who want to have their girls educated in higher classes to decide whether they will send their girls to that particular school or to some other institution. I do not think it will be right for us to insist that any particular mode of education must be adopted by that institution. Apart from any other difficulty, the difficulty which I feel is that that institution receives considerable private help and private donations by people who will not like the institution to be radically altered.

*Speech not revised by the honourable member.

Saiyid Ali Zaheer]

They want it to be run on particular lines. If this institution is run on those lines, I do not think it is right for us to complain that that college should not be run on those lines, but on different lines altogether. There is one matter, however, in connection with the same college which came to our notice some time ago in Lucknow and that I want to bring to the notice of the authorities so that they may take steps and interfere in the matter and support the general feeling against that step which the school proposes to take in the near future. I mean that at the present moment they are contemplating to abolish Sanskrit and Persian from that College. Honourable members are aware, I believe, that as far as this college is concerned, it is the only institution of its kind where girls can receive higher education in Lucknow. Now surely I cannot see eye to eye with the authorities when they are about to abolish Sanskrit and Persian, two very important subjects, which most of the girls desiring to study in the higher classes would like to take. Their excuse is that they have not been getting sufficient pupils recently to take these subjects, but on comparing the figures it will be found that many other important subjects like Philosophy or Science are taken by about as many students as take Sanskrit or Persian. That, I submit, is no reason why these two classes should be abolished. They must be retained for the reason that they are essential in themselves. I think we have every right to ask them to retain these two classes because help is being given to them by the university and they in fact form a part of the Lucknow University inasmuch as the institution is supposed to be the female section where girls are given higher education. There is no other provision in the university for female education except at the Isabella Thoburn College and it is affiliated to the University for that purpose. I think the objection which has been raised by my friend, the mover of the cut is perfectly valid so far as it relates to the extent to which we should insist on as to what system of education is to be introduced in the college, but when he says that the mode of education, the way in which education is imparted there, has to be interfered with, I think he goes too far. We cannot insist upon that. But I would like to bring to the notice of the authorities concerned that they should look into the matter and not allow the college to abolish these two departments as there is strong public feeling against the abolition. Girls' education will suffer seriously if these two departments are abolished.

Mr. A. H. Mackenzie : Mr. Deputy President, I am grateful to my friend, Sheikh Habibullah Sahib, for his able and chivalrous defence of the Isabella Thoburn College. That college, as he says, has been doing valuable educational work for girls of all communities and the last charge that could be brought against the college is that it is in any way denationalizing Indian girls. I fully endorse also what the Sheikh Sahib said that the facilities for the higher education of girls should not, as far as we can avoid it, be provided through communal institutions. For one thing these institutions are very expensive. In Lucknow there is a further difficulty that it would not be possible

under the law as it exists at present to raise these institutions which Thakur Hanuman Singh spoke about to the degree stage.

***Rai Bahadur Thakur Hanuman Singh :** In the same way as the Isabella Thoburn College is affiliated.

Mr. A. H. Mackenzie : It would not be possible, Sir, under the law to affiliate them in the same way. The matter is rather technical and I will not enter into it here, but it would not be possible to affiliate these colleges as degree colleges. However that may be, there is the question of cost. Further I believe that facilities for the higher education of girls can be best given as is proposed at the Allahabad University and at the St. Joan's College, Agra, by providing separate hostels for girls, hostels under the supervision of ladies and enabling girls to attend the university classes along with the men. When I was in Cawnpore inspecting the Christ Church College I saw the daughter of the Hon'ble the Minister of Education receiving her education in a class of that college, and I think the example set by the Hon'ble Minister might be followed by many other parents.

***Rai Bahadur Thakur Hanuman Singh :** Sir, Shaikh Habib Ullah when opposing the motion which has been moved by me said that I meant to make some insinuations against the Isabella Thoburn College.

Shaikh Muhammad Habib Ullah : Not insinuations, but ungenerous remarks.

***Rai Bahadur Thakur Hanuman Singh :** Certainly they were not ungenerous remarks. What I meant to say, Sir, was that when our girls would remain for at least two years in the society of European and Anglo-Indian girls they will ape their manners, which may not be found suited to the society in which they shall have to move after leaving their college. Indian society is still very orthodox and wants to stick to old customs and old manners. New manners or, I may say, European manners among ladies are not liked either by Muslims or Hindus. Those who are very very advanced may like them, but they are not liked by people in general. You may be seeing, Sir, that whenever an Indian lady behaves like a European lady in public functions, everybody raises his finger against her.

Shaikh Muhammad Habibullah : That age is dying out now.

***Rai Bahadur Thakur Hanuman Singh :** It may be so, but it will die out very slowly and very gradually. Customs and sentiments do not die soon.

There was no question of Hindus and Muslims. What I meant to say, Sir, was that if Muslims want to have a separate institution for themselves, then in that case the Muslim school of girls should be raised to the status of a degree college. My friend Shaikh Habibullah, who was supported by the Director of Public Instruction, said that in the university there should be hostels managed by ladies where our girls could reside and receive education with boys. What amount of controversy was raised in the papers about co-education? Is the Indian

***Rai Bahadur Thakur Hanuman Singh.]**

society, whether Muslim or Hindu, prepared to send its girls to the university to receive education with the boys? I think it is not. There may be a few persons of the type of my friend Shaikh Habibullah Sahib, but I am talking of the people in general. This prejudice of giving education to girls along with boys will take at least 50 years to be overcome. Are we to wait till that prejudice is overcome to give university education to our girls? We cannot wait so long.

I do not know, Sir, whether under the University Act there can exist only one university college in Lucknow. But if one college exists, I think several colleges can also exist. Where the university or the Government want to do a certain thing they find out some pretext or other to overcome the difficulties of law. If they like they can find out some means to do that even now. If the Government proposes to give higher education to the girls of the Province, then it should make up its mind to establish university colleges in Lucknow and other big cities of the Province with a view to advance the education of girls.

The Hon'ble the Minister for Education : Sir, I am sure that there are a great many of us who do not entirely agree with what the honourable mover of this resolution has said . . .

***Rai Bahadur Thakur Hanuman Singh :** All right, it will be decided.

The Hon'ble the Minister for Education : in regard to the backwardness of the women of India of today. He is perhaps thinking of the time when he used to be young.

***Rai Bahadur Thakur Hanuman Singh :** I am thinking of the present time.

The Hon'ble the Minister for Education : Things have advanced since. Women have changed and so have men. It may have been dangerous in his time for girls to have studied in the same college together with boys, but it is not so today. I am sure the proposition laid down by him will not be subscribed to by the vast majority of women of India of today. I am surprised that he has not heard of the cry of emancipation for women. They would, I am sure, most certainly resent any suggestion that they are in any way. . . .

***Rai Bahadur Thakur Hanuman Singh :** Does emancipation consist in co-education?

The Hon'ble the Minister for Education : Behind the men in any walk of life. Co-education is a very innocent thing. I do not know what harm my friend the mover sees in it.

***Rai Bahadur Thakur Hanuman Singh :** The same harm of which the Hon'ble Minister may be thinking in his mind.

At this stage the Hon'ble the President took the Chair at 3.25 p.m.

The Hon'ble the Minister for Education : Well, Sir, I am sure I cannot change the viewpoint of the honourable mover and I will not argue with him, but as I have said before, the times have changed since he used to be young and he used to go to school. Sir, I entirely

agree with what the Director of Public Instruction and my friend Shaikh Muhammad Habibullah Sahib has said about the Isabella Thoburn College. It is an institution which deserves well of us. It has been instrumental in giving education and culture to a large number of Indian girls who are in no way denationalized, who are in no way any different to the finest type of Indian womanhood. Frankly, Sir I do not see how we can best serve the cause of higher education for women if we adopt the suggestion of the Honourable mover of this cut. There was a suggestion made by my friend Mr. Ali Zaheer in regard to the provision of facilities for teaching Sanskrit and Persian in the various women's institutions.

Saiyid Ali Zaheer : I confined my remarks to the Isabella Thoburn College.

The Hon'ble the Minister for Education : Allright. Well, Sir, we entirely agree with his suggestion and we will bring the matter to the notice of the university. We think that Sanskrit and Persian are subjects which are of great importance to women. I hope after what I have said here that the honourable mover will withdraw his cut, although I know that now at this time of his life he cannot change his views.

The Hon'ble the President : What is the issue now before the House ?

***Rai Bahadur Thakur Hanuman Singh :** Colleges should be established for improving University education to girls.

The Hon'ble the President : Is this contested and is that the point at issue ?

The Hon'ble the Minister for Education : No, Sir, the issue raised was that purely Government colleges should be established. We have said that there are colleges for girls, and that we are prepared to help in their establishment, but I thought the meaning of the mover was that purely Government colleges should be established.

The Hon'ble the President : Does the honourable member want to decide whether Government should establish its own colleges.

***Rai Bahadur Thakur Hanuman Singh :** Not its own colleges, Sir. The Government should take steps to establish university colleges for the education of girls.

The Hon'ble the President : What is a university college ? Let the honourable member be more definite so that I can put the question to the House.

***Rai Bahadur Thakur Hanuman Singh :** They should take steps to establish colleges to impart education for B.A. and M.A., degrees to girls.

The Hon'ble the Minister for Education : Does the honourable mover want purely the Government colleges, and that Government money be given for this purpose.

* Speech not revised by the honourable member.

The Hon'ble the President : I have not been in the Chair during this debate and it seems to me that there is some misunderstanding. I do not understand the position. There is no definite issue before the House.

***Rai Bahadur Thakur Hanuman Singh :** What I said in my speech was that the Government should by granting aid to intermediate college raise them to the status of university colleges that is colleges teaching up to the B. A. and M. A. degrees. They should be encouraged by Government help.

The Hon'ble the President : You mean Intermediate colleges for girls ?

***Rai Bahadur Thakur Hanuman Singh :** No, Sir, colleges teaching up to the B. A. and M. A. classes.

The Hon'ble the President : I would ask the honourable mover to be more definite. I don't know whether any honourable member can assist me, otherwise I cannot put it to the House.

Nawabzada Muhammad Liaquat Ali Khan : I think what the honourable mover means is that existing girls' colleges should be given aid so that they might become degree colleges. That is the object of the honourable mover's motion.

***Rai Bahadur Thakur Hanuman Singh :** Yes, Sir. That is my object.

The Hon'ble the President : The object of this motion has been defined by my friend the Deputy President. The question is that under sub-head University education—C—Grants to non-Government Arts Colleges—Total, a reduction of Re. 1 be made.

The question was put and agreed to.

The Hon'ble the President : Pandit Joti Prasad Upadhyaya. Notice of this motion was received late. Is there any objection to its being moved ? (The Hon'ble the Minister for Education objected). There is an objection : it cannot be moved.

Khan Bahadur Hafiz Hidayat Husain : Sir, I beg to move that under sub-head University education—D—Government professional colleges—(a) Civil Engineering College, Roorkee—Total (1) College department, a reduction of Rs.10 be made.

Sir, by moving this cut I want the Hon'ble the Minister to consider if the time has not yet come for abolishing the College at Roorkee. I think, Sir, it was in the middle of the nineteenth century that this college was established in order to provide engineers for service all over India ; that is to say, the students trained in this college were sent all over India for appointment in Government service. Later on, i.e., since the beginning of this century, engineering colleges have grown up and have been affiliated to other universities in India. They exist outside these provinces in Calcutta, Bombay, Madras, Bihar, Mysore, Burma and the Usmania University in Hyderabad. We have also in the United Provinces a very efficiently-equipped college in the Benares Hindu University which I had the privilege of visiting myself and which has got today 505 students ; and the number of entrants is increasing every

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day. The Aligarh University is also providing a similar college in a very short time. These colleges that are existing today outside the United Provinces attached to the various universities and also the college attached to the Benares Hindu University can supply very competent persons who can be very usefully employed in any branch of the engineering service. The scope of Roorkee is thus very restricted now. Four or five years ago a competitive examination was started for the Indian Service of Engineers and anybody possessing any engineering degree of any university in India or Great Britain was allowed to compete. Today the position is that we spend on this college at Roorkee, according to the actuals for 1931-32, Rs.1,88,286; according to the budget estimates and supplementary grants for 1932-33, Rs.1,58,756; according to the revised for the same year over a lakh, and according to the budget for 1933-34 we propose to spend Rs.1,69,230. One of the most remarkable points with regard to the college is that the Punjab Government used to pay us a goodly amount for training about 30 students, but now, I find from the report of the Director of Public Instruction for the year ending March, 1932, that the number of students from the Punjab has been reduced. The report says that from 1933 the Punjab Government will pay us only for seven students instead of for 30 engineering students at this college. The result is increased expenditure over the Roorkee College amounting to about 2 lakhs. And we have attached to the universities outside these provinces, and in our own Province five colleges and the Muslim University is soon providing one. Now, Sir, I ask if we cannot save these two lakhs of rupees every year by giving subventions to the universities in the Province, where at least thirty students per year could easily receive training in engineering. By doing so we will save to our lives the administrative charges. Even today subjects like mechanics, mathematics, etc., necessary for an engineering career are taught in these universities, and what will be required is only the professional training in drawing, survey, engineering and things like that. Honourable members may know that under similar circumstances the Engineering College in England, namely the Cooper's Hill had to be abolished. This College used to train engineers both for England and for India. It was abolished when similar institutions came to be established at Leeds, Birmingham, etc., affiliated to the Universities. On the same parity of reasoning my submission is that the time has now come when the money spent over the maintenance of the Roorkee College might usefully be employed in giving donations to the Universities at Benares, Lucknow, Allahabad, and Aligarh, and also to the colleges that exist at present in these provinces where training for overseers and sub-overseers may usefully be given. I submit that the time has now come when the Roorkee College should be abolished, and the money of its upkeep be utilized in giving aid to the Engineering College at Benares and to the college at Aligarh which is shortly going to be established. Money so spent would, I am certain, greatly benefit the cause of engineering education in these provinces in the future.

Saiyid Yusuf Ali : There is a similar motion in my name, and the object of it is the same as explained by the mover of this motion. My grounds for moving it are slightly different. I wish to draw the attention of the Government to the state of unemployment that prevails at present among engineers. Last year I met several students who had passed out of the Engineering College at Roorkee and who told me that they were without jobs. They came to me in several groups and said that although they had passed out of the college in the last one or two years, they could not find any employment. I submit therefore that there is no point in keeping an institution at a very heavy cost, when, as pointed out by my honourable friend, Khan Bahadur Hafiz Hidayat Husain Sahib, others exist already in the province. There is yet an alternative scheme if Government cannot abolish the college and that is that the college staff should be maintained on the basis of supply and demand. I think this principle is observed in other colleges as well. Take for example the Police Training College at Moradabad. The Government know as to how many persons they have to take and they nominate and admit students accordingly. After that the Government gives them employment. There is no use wasting money keeping a budget of about two lakhs for the Civil Engineering College when the results are such. This is the reason why I have moved this cut.

The Hon'ble the Minister for Education : Sir, the motion of my friend, Khan Bahadur Hafiz Hidayat Husain Sahib, seems to be based on wrong premises. He has stated that we have now in the province more than one college teaching engineering. He has mentioned the name of Benares and Aligarh. To the best of my information there is no college yet in the Province which teaches civil engineering : the Roorkee College is the only one of its kind so far as the United Provinces goes. The Roorkee College has a great past and a great tradition. It is perhaps the finest college of its kind in India. It has produced some of our best engineers and it is still maintaining that standard. In fact it is claimed that the standard of education in the College was not only maintained at the same high level as before but that it has also improved in some ways. This is evident from the results of the Public Services Commission examinations. As the House knows, the Public Services Commission holds competitive examinations for appointments to the Indian Service of Engineers, Indian Railway Service of Engineers and the Superior Telegraph and Wireless Engineering Services. In the year 1929 students of the College secured six appointments, in the year 1930 seven out of eleven appointments, in the year 1931 nine out of thirteen appointments, and in 1932 three out of seven. This year one of the Thomason College students came at the top of the list of successful candidates for the Public Services Commission examination. I realize that the Roorkee College is becoming something of a white elephant specially because there are very few jobs open to the students who pass out of it. On account of retrenchment in the Public Works Department there are very few guaranteed appointments and I also knew that there was room for economy in the expenditure and so about 15 months ago I myself presided

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over a committee which went into the question of effecting economies in the expenditure in the College. We were able to reduce the expenditure by Rs.1,10,000 per year. I hope the House will see that we have effected considerable economies and that with the reduced expenditure the College might be allowed to go on. It is true no doubt that boys who pass out of the College are not able to find jobs at present. But surely this state of things will not last always. You cannot build up a College of that kind in a day, moreover if we were to close down the College today it will cost enormous sums of money to re-start it. We have a valuable thing and it would be a very bad economy indeed to close it down only in order to tide over the present economic depression. We have approached the local bodies who have appointments for engineers and we hope that the local bodies would in future be making greater use of the products of the Roorkee College. My friend the Hafiz Sahib mentioned that the Punjab Government is now sending only 7 students as against 30 which they used to send formerly. This is true, but it is only a temporary phase. They have no appointments in their Public Works Department and that is why they have reduced the number of students which they used to send to us. We hope that their requirements will also increase in future. I will ask the honourable mover that after what I have said he will not press his motion.

Khan Bahadur Hafiz Hidayat Hussain : I know that the Hon'ble the Minister in the very first year of the assumption of his office appointed a committee to go into the question of the Roorkee College. As far as I remember it was in November, 1931, the very first year of the assumption of his responsible duties that he visited the College himself with his commission. Unfortunately, however, we find that the economy which he pleads has not been effected, because the actuals of 1931-32 were Rs.1,88,000, while the budget for 1933-34 is Rs.1,69,000. Therefore, Sir, a saving of about Rs.20,000 a year does not remove the objection which I have with regard to the continuance of this College, because my submission is that the Roorkee College has outlived its utility. My submission is that the teaching that is done in this College can very usefully and more cheaply be done in other institutions and other universities, notably the Hindu University at Benares and the Muslim University at Aligarh.

Now, Sir, with regard to the usefulness of the institution I would ask your permission to read one extract from the report of the Principal, Roorkee College, presented on the 14th July 1932. The Principal of the Roorkee College, then Mr. Raja Ram said : " It has also caused a depreciation in the value of the college certificates amongst the present generation of students, as will be evidenced by the fall in the number of applicants for the last admission examination of both the Civil Engineer and Overseer classes.

During the ten years from 1921 to 1931 the number of candidates competing at the entrance examination of the Civil Engineer class for 30 vacancies ranged from 180 to 275, but this year the number has fallen to 73, out of which only 16 have been successful."

My submission is that to spend nearly three lakhs of rupees for 16 students is money which this province can ill-afford to spend and therefore my submission is that the Hon'ble the Minister will consider his question further and particularly for the reason that his asking the local bodies to employ students from this College will not help in any way in the reduction of expenditure. After all it is an enormous expenditure to train up so few students for such a large sum. I hope, that the Hon'ble the Minister will further consider this matter and I will for the present ask your permission to withdraw this motion.

(The motion was, by leave, withdrawn.)

The following motion stood in the name of Thakur Muneshwar Baksh Singh :

“I beg to move that under sub-head University Education—D—Government professional colleges—(a) Civil Engineering College, Koorkee—Total, a reduction of Rs.60,000 be made.”

The Hon'ble the President: Notice of this was received late. Is there any objection to its being moved ?

The Hon'ble the Minister for Education: Yes.

The Hon'ble the President: Objection having been taken, it cannot be moved.

Syed Yusuf Ali: I beg to move that under sub-head University Education—D—Government professional colleges—(b) Training colleges—Total, a reduction of Rs.10 be made.

I regret, Sir, very much that I have to move this cut this year again. I moved a cut last year also on the same head and at that time I drew the attention of the Government to two points; one the proportion of the Muslim candidates as teachers in the three different colleges, Allahabad, Lucknow, and Agra, and the second on the total absence of any Muslim professor or instructor in all these three colleges.

Sir, my first point is with regard to the admission of students in the training colleges. I think I must offer my thanks to the Hon'ble the Minister for Education and the Director of Public Instruction for the slight improvement that they have shown in the admission of teachers in these colleges. I know personally of the Allahabad Training College. As for the other point, I regret to learn that there is still absence of Muslim instructors in all the three colleges. I put a question in the last session of the Council asking for figures of the staff of the Training College, and the answer was that in Allahabad there are eight gazetted officers out of which one is Muslim and one is Christian. In Lucknow there are six gazetted officers, five non-Muslims and one Christian. At Agra, of the seven, six are non-Muslims and one Christian. Now this is the state of affairs. It is just possible that it may be taken to be a proposition bearing a communal tinge. I am a person who is not habituated to raise any such point, and what I am asking is not a communal thing at all. I think

there are candidates who are being trained, and they belong to Muslim community as well as to Hindu community. It would be better if *at least* one Muslim instructor is kept in each of the three colleges. The reason is this that the Muslim teacher will be more familiar and conversant with persons of his own community. It is possible that students may feel some hindrance in expressing their grievances to a person who does not show any sort of interest in them. Therefore it is absolutely necessary that at least one Muslim instructor should be kept in all the three colleges. Before I finish, I think I should say something about the Allahabad Training College, about which I know something. I should here express my thanks also to the present Principal of the Training College at Allahabad for the very kind treatment given to students and for the very deep care and very keen interest which he displays in their education and training. One thing more I wish to impress upon Government, and it is this. I have learnt that the present Principal is very shortly proceeding on leave preparatory to retirement. If it is a fact, then I will ask Government to be very careful in the selection of his successor. He should be a man of the same virtues and of the same qualities as the present Principal. The first and foremost principle in the selection should be the welfare and best interests of the college itself.

The Hon'ble the Minister for Education : Sir, this motion naturally causes me some embarrassment. It deals with a matter which concerns mainly the Muslim community and in which they are, I know, very keenly interested. I therefore naturally feel some delicacy in dealing with it; but I will try to present to the House a statement of facts in connexion with it. The replies given by me to the Council questions of Mr. Yusuf Ali are entirely correct and we all know that the number of Muslim lecturers and instructors in the Training Colleges is not what it might have been. But, Sir, the reason for this disparity is something which involves a Hindu Minister like me in some difficulty. It has been the policy in the past—I have not adumbrated that policy,—it has been the policy and the definite rule of the Government since the very beginning of the reforms, I think, that all these appointments in Training Colleges should be made by promotion from the subordinate services, and accordingly every appointment has been so made. We have promoted the most suitable senior member of the subordinate service to fill one of these appointments whenever there has been a vacancy. We have never tried in the past to maintain the communal proportion in the different kinds of appointments which we have in the Department of Education. For example, take the case of headmasters. There again we appoint headmasters by promotion from the subordinate services irrespective of caste or creed.

The reason for the disparity, of course, is that in the beginning at the time of recruitment Muslims did not come forward for appointments under the Education Department and that fact is now being reflected on these higher posts. In order to remedy the disparity

The Hon'ble the Minister for Education.]

one can only supersede so many Hindus—or it may be Christians—in order to promote a Muslim who is lower down on the scale. So far as I am aware, the principle has not been accepted that communal proportion should be maintained in every grade or in every definite variety of appointment. That is a matter of high policy, because what might apply to one branch of appointments might also apply to a whole lot of others—to every other. That has been the difficulty. We have not in any case stood in the way of a Muslim being promoted. In fact we have in most cases stretched a point in his favour. I am told that the only direct appointment made to these training colleges was that of a Muslim some years ago. That is the only direct appointment made and the man appointed was a Muslim. So the matter is very complicated and I confess we have not been able to come to any decision as to how to remedy this disparity without being unfair to the other employees of the department. I understand that a representation on this and other similar matters has been made to His Excellency the Governor by the President and members of the Muslim Conference which took place at Bareilly recently. I have not seen this representation yet, but I am sure I will in due course have the opportunity of examining it and considering the suggestions made in it. I need hardly assure my Muslim friends here that any claim or any demand which they may have put forward will receive my most sympathetic consideration. I trust that honourable mover of this motion will not press his motion today here. The matter is in a way *sub judice*. The representation of the community is already under the consideration of Government and it would be premature to press it here.

Saiyid Yusuf Ali : Sir, I quite realize the anxiety and delicacy expressed by the Hon'ble the Minister involved in this proposition. Fortunately, I am not asking for communal representation or communal proportion. It would be a mistake to interpret my cut in that light. I gave my reasons for the cut. If you go on the proportion of communal representation which is an all-India question, they are asking for 33 per cent. in every service. But here I simply requested that there should be at least one lecturer out of eight and seven in each of these colleges. It may come to one-eighth if there is one Muslim lecturer in every college. Another difficulty that was pointed out by the Hon'ble the Minister was that he was helpless in the matter, because he had to promote men from the subordinate service. Sir, I want to know since when this policy has been introduced and since when it is being acted upon.

The Hon'ble the Minister for Education : All along.

Saiyid Yusuf Ali : Then, Sir, it would be a matter for me for further inquiry and I will on some other occasion lay figures before this House showing that that policy has not been adhered to on very many occasions. I hope I will be able to show to this House that rights of persons have been superseded and I will say deliberately

DISCUSSION OF DEMANDS FOR GRANTS—GRANT NO. 1
HEAD 31—EDUCATION

superseded by others. The question may arise as to who was responsible for such supersession and when they were superseded. If once injustice has been done, I think it is the duty of the person who comes afterwards to remedy that injustice. When I have obtained the necessary figures I feel that I shall be able to convince the Hon'ble the Minister of the injustice done, and then I shall ask for justice to be done to them. Then I hope and believe that he will give a full consideration to the merits of those cases. However, he will have no difficulty in at least arranging to keep one Muslim lecturer in training colleges at times convenient for him. Last year there was one Muslim in the Training College at Lucknow. He was the only Muslim working there and he is a man possessing European qualifications. I do not know the length of his service, but I know that he possesses qualifications which are in no way less than the qualifications of many other members of the service. He served for some time in Lucknow and then, I do not know for what reasons, he was transferred from this college to some other place either as headmaster or on some other post. I regret very much that in spite of the fact that I had raised this point last year that at least one Muslim lecturer should be kept in the Training College, the man, who was working here, was transferred.

I do not want to press it as the Hon'ble the Minister has said that although the representation that is being made to His Excellency the Governor does not cover this particular point but it may be considered as a part of the larger questions that are involved in that representation and because I am convinced that the Hon'ble the Minister will give full consideration to the rights to which the persons may be entitled, therefore I withdraw my motion.

The Hon'ble the Minister for Education : May I just explain the position? Sir, I wish to thank the honourable mover of this resolution for not pressing this cut. As I have assured him in my first speech I would give my most sympathetic consideration to the object he has in view. But as I told him then the question does resolve into one of policy. It is briefly this that we have to supersede somebody belonging to another community in order to promote a Muslim.

Syed Yusuf Ali : That I do not want.

The Hon'ble the Minister for Education : But that must happen, because when we have been making these appointments by promotion and we do not give that post to a man who has earned that appointment, then he has to be superseded in order to give the post to somebody else. That is our real difficulty. I do not say that it should not be done in order to meet the wishes of the Muslim community, but it is a matter to be settled and I am glad that my friends have made it the subject of a representation to His Excellency the Governor. We will go into the entire matter and see what can be done to meet them.

As regards the person to whom my friend referred, I am told by the Director of Public Instruction that this gentleman was only a

The Hon'ble the Minister for Education.]

temporary lecturer on the staff of the Lucknow Training College and he had to revert when the permanent man returned from leave. There was no question of sending away a Muslim. I wish to assure my friend on that point. He was holding that job temporarily during the absence on leave of the permanent man. I wish to assure my Muslim friends that to my knowledge there is no case in which the claims of Muslims have been overlooked either by the Director of Public Instruction or myself.

As I stated in my first speech we have wherever possible been partial to them because I realize the importance of giving them their rightful share of appointments in every department.

The motion was, by leave, withdrawn.

Pandit Shri Sadayatan Pande : I beg to move that under sub-head University Education—D—Government Professional Colleges—(b) Training Colleges—Total, a reduction of Rs. 1 be made.

The object of my moving this cut is to draw the pointed attention of the Government as well as of the Director of Public Instruction to the fact that when a graduate seeks admission to a training college he is told that he will not be admitted without teaching experience. Well, Sir, naturally he has to seek service in some educational institute in order to gain experience. When he goes to the door of the manager of that educational institution he is told that he cannot be taken without experience as a licentiate teacher. The principle is absolutely contrary. One does not know where the poor fellow is to go. He is kicked off like a football. The matter must be made very clear so that this position may no longer exist.

Mr. A. H. Mackenzie : My honourable friend has ventilated what I believe is a real grievance which the department will endeavour to remove. It is a grievance of very recent growth. Up to last year it was easy to get a large number of candidates for the training colleges from amongst experienced teachers and it was easy for young graduates to get temporary appointments in schools in order that they might qualify for admission to training colleges by experience. But I know it is becoming more difficult than it was for young graduates to get that experience of teaching which has been regarded as a qualification for admission to the training colleges. But that is only one of the difficulties which has arisen. In order to meet that difficulty and others, I propose to have a small conference which will be attended by the Principals of Training Colleges and other educational officers. I can assure my honourable friend that we shall meet his particular difficulty. We shall not in future insist to the extent we did in the past on the possession of practical experience as a qualification for admission to the training colleges.

Rai Bahadur Babu Vikramajit Singh : Sir, with regard to admission in the training colleges there seems to be a number of grievances. There are graduates who find it very difficult to get admission in the training colleges without special recommendations. I submit, Sir,

that if the object of the training colleges is to train graduates for taking up employment in various schools there ought to be facilities to get a training. It is not like getting employment, but it is really getting a qualification for being employed in some of the institutions. Therefore there ought to be no restrictions in getting admission in these training colleges. It appears to me that the training colleges which exist at present have not facilities enough to admit all those who want to gain admission. My submission is that the Government ought to give sufficient facilities for the training of every graduate who desires to get a training in any one of those training colleges. The number who desire to be trained ought not to be restricted. They ought to be put on the same footing as any other college either in professional, commercial or other subjects. It ought not to be treated like giving a training to a number of people who have to be employed in certain institutions. I think the Government ought to be more liberal in giving admission to graduates who wish to come to receive training in any of these training colleges.

Khan Bahadur Saiyid Jafer Husain : May I know if the Government is going to give a definite decision before the next session of the training college commences.

Mr. A. H. Mackenzie : I propose to write to the Principals of the training colleges advising them to admit a certain number of students even if they have not got the experience that was required in the past.

The motion was, by leave, withdrawn.

Mr. Brijnandan Lal : I beg to move that under sub-head University Education—D—Government Professional Colleges—(b) Training Colleges, a reduction of Rs. 10 be made.

I want to draw the attention of the Government to the system of admission to the training colleges. There is no principle to guide the heads of these institutions in making admissions. Candidates of inferior qualifications are given preference to those of higher qualifications, as for example in Lucknow circle the claims of M. Scs. were ignored and third class B. Scs. were admitted. The quality of teachers in India needs improvement and the best men should be selected.

Mr. A. H. Mackenzie : Mr. President, I think the point raised by my honourable friend had better be referred to the conference which I propose to summon and then I shall make my recommendations to Government in the light of the proceedings of the conference and of the honourable member's speech.

The motion was, by leave, withdrawn.

The Council was then adjourned at 4.30 p.m. till Thursday, the 9th of March, 1933.

APPENDIX A

(See page 494 *supra*)

Statement referred to in the answer to starred Council question No. 2 asked by MUNSHI GAJADHAR PRASAD SAHIB for 8th March, 1933

Name of district	Number of estates paying	Name of district	Number of estates paying
Dehra Dun ..	3	Banda ..	18
Saharanpur ..	12	Benares ..	18
Muzaffarnagar ..	13	Mirzapur ..	10
Meerut ..	15	Jaunpur ..	9
Bulandshahr ..	16	Ghazipur ..	8
Aligarh ..	61	Ballia ..	3
Muttra ..	12	Gorakhpur ..	36
Agra ..	14	Basti ..	13
Mainpuri ..	20	Azamgarh ..	9
Etah ..	21	Naini Tal ..	3
Bareilly ..	27	Almora ..	1
Bijnor ..	21	Garhwal ..	Nil.
Budaun ..	17	Lucknow ..	11
Moradabad ..	24	Unao ..	22
Shahjahanpur ..	14	Rae Bareli ..	55
Pilibhit ..	14	Sitapur ..	54
Farrukhabad ..	20	Hardoi ..	28
Etawah ..	40	Kheri ..	14
Cawnpore ..	26	Fyzabad ..	20
Fatehpur ..	16	Gonda ..	22
Allahabad ..	48	Bahraich ..	20
Jhansi ..	3	Sultanpur ..	20
Jalaun ..	9	Partabgarh ..	42
Hamirpur ..	2	Bara Banki ..	44

APPENDIX B

(See page 495 *supra*.)

Statement referred to in the answer to starred Council question no. 4(a) and (b) asked by MUNSHI GAJADHAR PRASAD SAHIB for 8th March, 1933

Name of the district	Revenue year	Name of the estates released from the superintendence of the Court of Wards during the last three revenue years	Amount of money paid in cash, if any, to the Wards at the time of release
			Rs. a. p.
Meerut ..	1929-30 ..	Dharam Singh ..	123 0 0
	1930-31	1. Jiwan Sahai ..	228 0 0
		2. Nahar Singh ..	106 0 0
Allahabad ..	1931-32	Sikri ..	7,331 0 0
	1929-30	Nil ..	Nil.
	1930-31	Nil ..	Nil.
	1931-32	1. Mst. Munni Bibi ..	118 0 0
Benares ..		2. Shambhu Nath ..	269 0 0
	1929-30 ..	Nil ..	Nil.
	1930-31	Nil ..	Nil.
	1931-32 ..	Damodar Das ..	7,894 0 0
Lucknow ..	1929-30 ..	Nil ..	Nil.
	1930-31 ..	Sarai Sheikh ..	Nil.
	1931-32	1. Thawar ..	443 13 8
		2. Kasamandi ..	719 7 1
		3. Masud Ali ..	116 14 7

APPENDIX C

(See page 495 *supra*)

Statement referred to in the answer to starred Council question no. 5(a) and (b) asked by MUNSHI GAJADHAR PRASAD SAHIB, for 8th March, 1933

Serial number	Names of the estates belonging to lady wards under the superintendence of the Court of Wards in the United Provinces up to the revenue year ending 30th September, 1932	Amount of revenues payable by such estates to Government (Revenues paid in the revenue year 1931-32)
		Rs.
1	Shahpur Estate, Dehra Dun (on behalf of both the male and female wards), Saharanpur.	1,361
2	Ram Kuer, Saharanpur	1,179
3	Bhaga, Saharanpur	1,550
4	Janeshwar Das, Saharanpur	1,802
5	Jasmaur (on behalf of both male and female wards), Saharanpur.	6,638
6	Bera Sadat (on behalf of both male and female wards), Muzaffarnagar.	854
7	Phoolmati Devi, Muzaffarnagar	849
8	Alya Begam, Muzaffarnagar	2,959
9	Mehdi Ali Khan (on behalf of both male and female wards), Muzaffarnagar.	13,889
10	Sardhana (on behalf of both male and female wards), Meerut.	18,043
11	Aziz Fatima, Meerut	..
12	Deasa, Meerut	2,634
13	Daulatpur (male and female both), Bulandshahr	9,933
14	Khanpur, Bulandshahr	3,818
15	Thamman Singh, Bulandshahr	1,056
16	Fatima Begam, Bulandshahr	2,495
17	Mst. Ram Dei, Agra	1,220
18	Mst. Waliunisa, Muttra (male and female both) ..	2,468
19	Rampur Estate, Etah	5,359
20	Kasganj, Etah (male and female both) ..	13,884
21	Rajaur Estate, Etah	23,143
22	Pitiali Estate, Etah	2,433
23	Nardauli, Etah (males and females both) ..	2,354
24	Shanker Sahai, Etah	2,197
25	Keolaria Estate, Bareilly	6,566
26	Kanth Estate, Moradabad	22,960
27	Bilsa Estate, Budaun (male and female both) ..	17,332
28	Paraur, no. II, Shahjahanpur	2,034

Serial number	Name of estates belonging to lady wards under the Superintendence of the court of wards in the United Provinces up to the revenue year ending 30th September, 1932	Amount of revenue payable by such estates to Government (Revenue paid in the revenue year 1931-32)
		Rs.
29	Sher Bahadur Singh, Shahjahanpur (both male and female wards)	9,180
30	Ahsan Ullah Khan, Shahjahanpur (both male and female wards)	5,462
31	Brijpai Singh, Shahjahanpur	8,477
32	Nehtaur Estate, Bijnor (male and female both)	5,097
33	Kumtala Rikh, Bijnor (male and female both)	9,709
34	Janatunnisa, Farrukhabad (on behalf of male and female both)	1,094
35	Sheo Bux Singh, Cawnpore	7,702
36	Kanahaiya Lal Estate, Allahabad	9,354
37	Hardoi estate, Etawah	18,041
38	Damodarji Estate, Banda	2,106
39	Wakilan Bibi, Benares	2,344
40	Sakaldiha, Benares (male and female both) ..	6,350
41	Bagha Estate, Mirzapur (male and female both)	8,244
42	Hadi Estate, Mirzapur (male and female both)	2,909
43	Ausanganj Estate, Ghazipur	40,363
44	Budha Kuer, Ghazipur	No revenue is paid to Government.
45	Gopi Kuer, Ghazipur	24,288
46	Bettiah Estate, Gorakhpur	72,317
47	Majhouli Estate, Gorakhpur	28,690
48	Majhgani, Kheri	5,40,729
49	Ajodhya Estate, Fyzabad	10,490
50	Musepur Estate, Fyzabad	23,693
51	Birwa Mehnnon no. I, Gonda and Bara Banki ..	20,221
52	Birwa Mehnnon no. II, Gonda and Bara Banki ..	31,764
53	Shahpur, Gonda	97,845
54	Kurwar, Sultanpur	2,821
55	Lalli Sahiba, Sultanpur	1,41,679
56	Qila Partabgarh, Partabgarh and Allahabad (male and female both)	40,695
57	Dalipur, Partabgarh (male and female both) ..	5,342
58	Rani Rajeshwari Kumari Estate, Partabgarh ..	7,113
59	Bhatwamau no. I, Bara Banki	

APPENDIX D

(See page 497 supra)

List referred to in answer to starred question no. 8 for the Council meeting of 8th March, 1933, asked by Rai Bahadur Kunwar Surendra Partap Sahi

Hindi literary readers approved by the Director of Public Instruction, United Provinces, for inclusion in the curriculum for vernacular middle schools for boys for 1933-34

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|--|--------------|
| 1. Bhasha Pravesh, parts II to IV, published by the Indian Press, Ltd., Allahabad. | } Old books. |
| 2. Sahitya Sopan, parts I and II, published by Lala Ram Narain Lal, Allahabad. | |
| 3. Hindi Shiksha, parts II and III, published by the Hindi Press, Allahabad. | |
| 4. Sahitya Prasoon, parts II to IV, published by the University Book Depot, Agra. | |
| 5. Hindi Final Reader, published by the Agarwala Press, Allahabad. | |
| 6. Hindi Kusumanjali, parts I to III, published by the Onkar Press, Allahabad. | } New books. |
| 7. Sahitya Batika, parts I to III, published by the Ratna Ashram, Agra. | |

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH

Thursday, 9th March, 1933

THE Council met at Council House, Lucknow, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (94)

The Hon'ble Mr. E. A. H. Blunt.
The Hon'ble Captain Nawab Sir Muhammad Ahmad Sa'id Khan.
The Hon'ble Nawab Sir Muhammad Yusuf.
The Hon'ble Mr. J. P. Srivastava.
Mr. J. M. Clay.
Mr. C. St. L. Teyen.
Mr. P. Mason.
Mr. P. M. Kharegat.
Mr. H. A. Lane.
Mr. J. R. W. Bennett.
Colonel H. R. Nutt.
Mr. A. H. Mackenzie.
Rai Bahadur Pandit Suraj Din Bajpai.
Rai Bahadur Babu Phul Chand Mogha.
Khan Bahadur Saiyid Ain-ud-din.
Mr. J. N. L. Sathe.
Mr. S. S. L. Dar.
Mr. Hari Kishen Mathur,
Mr. S. T. Hollius.
Saiyid Abdul Hasan.
Mrs. Kailash Srivastava.
Khan Bahadur Maulvi Fasih-ud-din.
Mr. E. Ahmad Shah.
Rai Sahib Babu Rama Charana.
Mr. Perma.
Rai Bahadur Babu Awadh Bihari Lal.
Rai Bahadur Babu Kamta Prasad Kakkar.
Chaudhri Jagannath.
Chaudhri Baldeva.
Rai Sahib Sahu Jwala Saran Kothiwala.
Mr. Tappu Ram.
Raja Bahadur Kushal Pal Singh.
Chaudhri Ram Chandra.
Chaudhri Ghasita.
Rai Bahadur Chaudhri Baghura Singh.
Chaudhri Arjuna Singh.
Kunwar Girwar Singh.
Pandit Joti Prasad Upadhyaya.
Chaudhri Dhurya Singh.
Thakur Balwant Singh Gahlot.
Rai Bahadur Mr. Brij Lal Badhwar.
Rai Bahadur Babu Manmohan Sahai.
Lala Shyam Lal.
Kunwar Jagbhan Singh.
Thakur Keshava Chandra Singh.
Mr. Brijnandan Lal.
Chaudhri Ram Adhin.
Chaudhri Bharos.
Pandit Shri Sadayatan Panda.

Rai Bahadur Babu Jagadeva Roy.
Mr. Dabarti.
Rai Sahib Rajeshwari Prasad.
Thakur Guriraj Singh.
Pandit Prem Ballesh Belwal.
Thakur Jang Bahadur Singh Bisht.
Pandit Brahma Dutt and Buaiga Sahib.
Rai Bahadur Thakur Hasuman Singh.
Rai Bahadur Lal Sheo Pratap Singh.
Kunwar Diwakar Prakash Singh.
Thakur Muneshwar Baksh Singh.
Thakur Jaiindra Bahadur Singh.
Raja Jagdambika Pratap Narayan Singh.
Rai Bahadur Kunwar Surendra Pratap Sahi.
Rai Rajeshwar Bali.
Mr. Zameer Ahmad.
Syed Ali Zaheer.
Khan Bahadur Mr. Muhammad Abdul Bari.
Syed Yusef Ali.
Khan Sahib Muhammad Maqsood Ali Khan.
Shah Nazar Husain.
Captain Nawab Muhammad Jamshed Ali Khan.
Nawabzada Muhammad Liaquat Ali Khan.
Hafiz Muhammad Ibrahim.
Mr. Muhammad Rahmat Khan.
Khan Bahadur Haji Muhammad Obaidur Rahman Khan.
Khan Bahadur Muhammad Hadiyar Khan.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Maulvi Saiyid Habibullah.
Khan Bahadur Saiyid Zaid Ali Sabzposh.
Khan Bahadur Saiyid Jafer Hosain.
Shaikh Afzal-ud-din Hyder.
Khan Bahadur Sardar Muhammad Shakirdad Khan.
Khan Sahib Muhammad Imtiaz Ahmad.
Raja Saiyid Muhammad Sa'adat Ali Khan.
Shaikh Muhammad Habibullah.
Raja Saiyid Ahmad Ali Khan Alvi.
Mr. L. M. Medley.
Rai Sahib Lala Anand Surup.
Chaudhri Muhammad Ali.
Thakur Rampal Singh.
Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Raja Jagannath Bakhs Singh.
Rai Bahadur Babu Vikramajit Singh.
Babu Gajadhar Prasad.

THE BUDGET 1933-34

DISCUSSION OF DEMANDS FOR GRANTS.

GRANT NO. 1.—HEAD 31—EDUCATION—(*concluded*)

Rai Bahadur Babu Jagadeva Roy : Sir, I beg to move that under sub-head Secondary education—A—Government Intermediate colleges and high schools—(a) Male education, a reduction of Re.1 be made.

A scheme for starting Intermediate colleges on a new basis was considered and started sometime in 192-2. If I mistake not, under that scheme there was a proposal to start an Intermediate college in Ghazipur. Ghazipur is one of the districts of the Province of Agra, but it is far from the capital of the Province as well as from the Council Chamber.

The Hon'ble the Minister for Education : Which capital?

Rai Bahadur Babu Jagadeva Roy : Allahabad.

I do not know the reasons which came in the way at the time for not starting an Intermediate college there. If financial condition was one of the reasons, then I would say that there are several things which require to be considered in this connexion, and I hope that in view of these considerations it will be seen that there is a pressing necessity for starting an Intermediate college there.

At present in Ghazipur we have got two high schools. One of them is the Government Victoria High School, and the other is the City High School, and there is also a third institution known as the D. A.-V. School teaching up to the eighth standard. The enrolment of the D. A.-V. School is at present 225. That school has already applied to the Inspector of Schools for its conversion into a high school. That school is prepared to go on teaching up the high school standard without asking for any additional grant from Government. The request is that, that school may be made a high school provisionally for five years. We know that admissions in hundreds had to be refused at the beginning of every new session simply for the reason that, that school teaches up to class VIII. We further know that students who pass the eighth class do not get accommodation either in the Government Victoria School or in the City High School. We already know that the students who pass High School examination from these two high schools have to go to distant places for joining Intermediate colleges. The difficulties under which they and their guardians are placed are well known. We then find that the college at Ghazipur will meet the needs of two neighbouring districts, also Ballia and Azamgarh. Ghazipur is much closer to these two districts than any other town in the neighbourhood where there is an Intermediate college. Moreover, the students passing out of the High Schools in Ghazipur, Ballia and Azamgarh are quite enough in numbers to justify the establishment of an Intermediate college. I have myself visited the building of the Government High School at Ghazipur and have come to the conclusion that no additional building will be required in case an Intermediate college is established there. The present building will suffice. Then, Sir, we all know that there are three types of Intermediate colleges, one is the Degree Colleges, with Intermediate classes only, the other is a college with all classes.

from IV to XII, and the third is a college with classes from IX to XII. I suggest that in the case of Gazipur the Intermediate College should be of the second type, i.e. with classes from IV to XII, and that in place of the headmaster there may be a principal. In this way a lot of unnecessary expenditure will be avoided. The existing hostel at Ghazipur will, I know, be sufficient for Intermediate class students also. I know at one time the site for an Intermediate college at Ghazipur was selected by Mr. Rust, the then Director of Public Instruction. I believe the then Minister of Education also visited the place. But I do not know why the project was eventually given up. The need of Ghazipur is so great that it would not be in the public interests to put off the scheme for the establishment of an Intermediate college there any longer. I would, therefore, ask the Hon'ble the Minister and the Director of Public Instruction to take early steps in the direction of the establishment of an Intermediate College at Ghazipur, which I again submit is not a costly affair. There are, I believe, not less than 500 scholars who pass High School examinations from these three districts, every year. There will therefore be no ground for considering that there may not be enough scholars coming forward to join the Intermediate college. Besides, the schools of these three districts have been showing brilliant results in High School examinations. I have taken figures for the last twelve years as regards the results of the High School examinations and I find that the average of passes comes to 89 per cent. in some of the schools. In conclusion I would say that this is a very reasonable demand and that it should meet the favourable consideration of the Government.

***Rai Bahadur Thakur Hanuman Singh :** Sir, there is a similar motion standing in my name as no. 35. Instead of moving that motion I would like to speak on the motion which is before the House. It goes without saying that every day the desire for acquiring more knowledge is taking hold of people's mind and parents are trying to educate their sons in such a way as to enable them to go into the world with such knowledge as may enable them to earn their livelihood and to be of service to the country. It is this desire which has given birth to a number of institutions existing in every district. There are many districts where the number of high schools is more than one. The Government generally maintains one high school in a district. Besides that, the people have started their own schools which are aided by Government. Now it seems very very desirable that where there is more than one high school there should be an Intermediate college also, so that the students after passing High School examination may join it and pass their Intermediate examination from there. It is a well-known fact that the province generally is too poor. Those who are poor cannot afford to send their boys to distant places to receive education in Intermediate colleges. If one college in the districts where there are a number of high schools be established they will find it easy to receive their education in that college. Expenses of education have risen high and they are likely to rise higher still. So if Intermediate colleges are established either by the Government or with the aid of the Government there will be greater facility for the students to read in them. It is a fact that those who have got wealth and

[Rai Bahadur Thakur Hanuman Singh]

means have little desire to acquire knowledge, but those who are poor their desire is greater and it is for the facility of these poor students that the Government should establish Intermediate colleges and schools in places where there are more than one high school. Then there is another question in this connexion and it is this that freeships and half-freeships which are granted to the poor students are limited. The Government should consider the question of increasing their number so that those who cannot afford to pay full fees may receive education either free or half-free. This will be a great help in many cases and the students who have got brains and intellect may not be deprived of the education which on account of their circumstances they may have to give up. It is a good sign of the times that people are thinking of contributing because of philanthropic motives to help the cause of education. Sir, there is a limit to everything. They always look up to Government to help them liberally and the Government has been doing it according to the means at their disposal. But I think the Government should try to spare more money for the cause of higher education. With these few remarks I close my speech and I hope the Government will give a satisfactory reply and at the same time will not forget after the debate to look into the matter and supply the need which to my mind is great.

Pandit Shri Sadayatan Pande: Sir, unfortunately I rise this moment to oppose the motion which has been made by my friend Babu Jagadeva Roy Sahib. My remarks are very simple and convincing, although it may not appear to the general world and to this House particularly, that my opposition is a commendable thing. But, the circumstances and the situation in which the country is placed these days do not permit of the opening of new colleges and the spending of money over them. Everybody knows full well that numberless M.As. and B.As. are wandering about for want of employment. The question of unemployment has grown so very acute that one is not finding any solution for it. Take for example the case of a poor father. Somehow or other he manages to educate his son and when his son becomes a graduate his needs an increase. He must have sufficient money for his suits and for his other various requirements. The poor father cannot afford it. Well, then he wanders about here and there for some service. The other day there was a selection committee for sub-registrars. For 12 vacancies there were 1,500 applicants. Just imagine the number applying for 12 vacancies; and among those candidates, there were at least 500 such candidates who were either M.Sc., M.A., LL.B., 1st divisioners, 2nd divisioners, and B.A., LL.Bs. We had not to consider the cases of Intermediate passed candidates, because their applications were not up to the mark in the face of M.As. and B.As. Only the M.A., LLBs. and some B.A., LL.Bs. were selected, although the minimum qualification fixed was that of an Intermediate qualification. In these circumstances are we justified in asking Government to open up Intermediate colleges and spread more University education and things of this kind? I am not opposed to education. It is my sincere desire that education should spread all over the country and all people should become literate, as in other foreign countries. But this higher education and University education alone will not come to your help. We must equip ourselves with technical

knowledge and industrial education, so that we may not have to depend upon other countries for our needs. Take for instance, Japan. It is a ridiculously small country as compared with India. They are turning out each and everything required for human necessity. They have not to depend upon any country for their supplies. Here if those countries did not supply us various articles for our needs we would have to do without them.

Rai Bahadur Thakur Hanuman Singh: The cause lies somewhere else.

Pandit Shri Sadayatan Pande: You may explore the cause. The Japanese have not depended upon other countries for their requirements. They have depended solely upon themselves. They have relied upon themselves. They believe in self-reliance. We have not yet learnt to rely upon ourselves. The moment we learn and realize that unless and until we cultivate self-reliance we cannot be liberated, we cannot obtain salvation. With these objections in view, I have opposed this motion.

Thakur Giriraj Singh: Sir, I think nobody here or outside should object to the spread of education, whether it is primary or secondary. No doubt, there are some who are of opinion that primary education is the first and foremost need. But it will not be unwise to say that secondary education should also be given to boys. With regard to my district I have got a very old grievance, and if my memory does not fail me, I also pointed out this fact in the last budget session. In that district there is no Government high school. I do not understand the reason why Government have not provided a Government High School in that particular district. The Director of Public Instruction says that there are enough high schools there. I think that that argument of his is not plausible, because in other districts, I can assure the House, there are more than four or five high schools and still there is one Government high school. Two or three years back there were only two high schools in the Azamgarh City. Recently one middle school has been raised to the status of a high school. That is Shri Krishna High School. There is another middle school in the same district which was also raised to the same standard, July next. It is a fact that the demand for education is going up, and this is not the case in the Azamgarh District alone, but in other places also.

As regards the opening of Intermediate colleges, I can show to the House that out of three or four neighbouring districts Azamgarh is the best place, though I doubt whether Government would be so quick in opening an Intermediate college so soon. The reason for having an Intermediate college is this. Azamgarh City is an industrial place. There are two tahsils, viz, Man Nathbhanjan and Nizamabad from which most of the things are sent outside. Moreover, owing to the keen demand for education, two middle schools have been raised to high schools and two other schools have applied for recognition of the 9th and 10th classes and I think one has been granted permission and the other has not. One of my friends has just mentioned that lots of graduates, M.As and LL.Bs apply for a limited number of posts, so there is no need for Intermediate colleges at all. This argument is not in his favour. This shows that the demand for education is now

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more. The time will come very soon when he will sit as one of the members of the committee in which he was recently, and will find not only 1,500 applicants but 15,000. This is due to unemployment. In every country where education goes to a high pitch and where people do not get employment, the result would be that they would seek some other things which will be deemed proper by the authorities or Government. The case of India is quite different. Here, we are not the master of the country: otherwise most of the graduates, who are hankering for jobs now would not do so at all but would have taken to some profitable industries.

Everybody present here knows that most of our raw materials are sent outside the country and the articles manufactured out of them are sent back to this country. It is also known to all of us that there are some patriots, i.e. well-wishers of the country who say that some industries ought to be started here especially those industries for which sufficient raw materials are produced here, but Government pays no heed to them. I do not stand here to criticise the policy of Government but simply to show to the House that it is better to have as many Intermediate colleges as people demand. I ask the Hon'ble the Minister for Education and the Director of Public Instruction at least to take special care of my district and of those districts where there are no Intermediate colleges or where there is no high school. With these words I resume my seat.

Mr. Brijnandan Lal: My friend Shri Sadayatan Pande has mixed up two questions, the question of the opening of new Intermediate colleges and the system of education in them. He says that unemployment should not be created by opening more colleges. He can also say for employment purposes all the present colleges should be closed, so long as all the unemployed are not employed. He has talked of self-reliance in Japan. I do not see how self-reliance comes in here. We are asking the Government to create more Intermediate colleges out of the funds that we provide. It is our money and our Government. The question of self-reliance does not come in at all. I agree that the system of education should be changed. There should be more of technical education in Intermediate colleges, but it is strange that one of the non-official members should think that no more colleges are necessary.

Pandit Shri Sadayatan Pande: I thought so.

Mr. Brijnandan Lal: He still says that no more colleges should be created because they cause unemployment. He should move for the abolition of all educational institutions. I am afraid he will not be convinced. None is so blind as he who will not see.

Mr. A. H. Mackenzie: Mr. President: it is always a great pleasure to me to listen to my friend Rai Bahadur Babu Jagadeva Roy because he speaks with the thoroughness and earnestness which I think explains why he is such a respected member for Ghazipur. The Rai Bahadur Sahib made two requests. One is that the department should take steps to establish an Intermediate college at Ghazipur and the other that the department should help the authorities of the D.-A. V. School to raise that institution to the high school status. These, I understand, were his two requests. As

regards the first it is true that the Education Department chose Ghazipur as one of the places where an Intermediate college should be established, but unfortunately when plans were almost ready for starting this college, the Department was faced with a restricted budget and had to economise but I can promise the honourable member that I myself—I cannot speak for the Hon'ble Minister yet that I myself shall accept his kind invitation to visit Ghazipur in order that I may look into these questions on the spot. I know that when I visit Ghazipur, I shall go there at the risk of my life because the people are so hospitable that I shall be compelled to eat far more than is good for me, but notwithstanding that risk I promise my friend the Rai Bahadur that I shall go to Ghazipur when I have an opportunity and on the spot study the two questions that he has raised.

Rai Bahadur Thakur Hanuman Singh took advantage of the Rai Bahadur's motion to press for more intermediate colleges all over the province. My friend Pandit Shri Sadayatan Pande criticized the views of Thakur Hanuman Singh and I should like to congratulate the Pandit, and I think other members would be with me in congratulating him on his courage. It is of course a very easy thing to get up in this House and make a proposal for increasing expenditure on education. That is the popular thing to do and anybody can do it without any courage whatsoever, but it does take considerable moral courage for a man to get up and speaking from the strength of his own convictions express an opposite view. The Pandit got his reward: he raised a hornet's nest about his ears, but I think that he is a man strong enough to ignore the attacks that were made on him. Personally, I would take a position somewhat intermediate, as is proper when we are talking about Intermediate colleges, between the Pandit and the Thakur Sahib. My view is that we should endeavour to improve our existing Intermediate colleges. There is my friend Rai Bahadur Vikramajit Singh opposite me. He has been acting with great self-restraint in this Council. He knows that for years the Sanatan Dharma Intermediate College has been waiting for a grant-in-aid to complete buildings and to purchase a playground but he said nothing about the matter on this occasion. I mention it just to show that the Department has not forgotten it. That is an example of a college which is still incomplete and surely we ought to make our existing colleges complete before we embark on a wholesale policy of spreading Intermediate colleges all over the province. In saying that much I do not wish to appear to be inconsistent with my opening remarks. I think that there is on the merits a good case for an Intermediate College at Ghazipur.

Thakur Giriraj Singh complained that the Education Department had not established a Government High School at Azamgarh. Honourable members who have read the reports of economy committees, the Fremantle Committee and the Retrenchment Committee of two years ago, will have noticed that both committees recommended that Government, so far from establishing new Government schools, should transfer existing Government schools to private bodies as far as possible. Possibly that question will come up for discussion in the course of the debate, but in view of the strong recommendations of

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these two economy committees it would hardly be proper for the Government or the department to establish new Government High Schools in any district. Rather if we are to meet the wishes of these economy committees we should try where possible to transfer Government schools to the control of private agencies. However, I do not wish at the present stage to say anything on the merits of this important question. All I wish to point out to my friend Thakur Giriraj Singh is that his proposal is not consistent with the proposals that have been made by successive economy committees. I hope my friend will withdraw his resolution.

Rai Bahadur Babu Jagadeva Roy : Sir, I find that the opposition made by my friend Pandit Shri Sadayatan Pande has been fully met by some of the other honourable speakers and so I am not required to meet his opposition to any large extent, but I must say that we should take a broad view on a subject like this. As regards my resolution, I am very much thankful to the Director of Public Instruction for a very sympathetic and hopeful reply he has given. In view of that I do not press the motion and I beg to withdraw it.

The motion was, by leave, withdrawn.

Shaikh Muhammad Habibullah : Sir, I very much regret that on account of miscalculation I was absent from the House when my motion for reduction was to be called. I implore the Chair and hope you will kindly give me permission to move my resolution now.

Pandit Shri Sadayatan Pande : I cannot hear.

The Hon'ble the President : The honourable member is having a little dialogue with the Chair.

Shaikh Muhammad Habibullah : I beg that my absence may be excused on this occasion as my motion deals with an important matter which I wish to place before the House.

The Hon'ble the President : The honourable member, Shaikh Muhammad Habibullah, wants permission to move motion no. 31. That was passed over in his absence. Literally he was just a second too late when Rai Bahadur Jagadeva Roy was on his feet. I saw him coming into the House and there was a marked consternation on his face at the time. I quite admit that it is a very important matter. Unfortunately the precedent created by another Khan Bahadur is being used by Shaikh Muhammad Habibullah, but as it is an important matter and the House may like to discuss it, for we may have something very important to hear on it, I have no objection if the House has none.

(No objection was raised : In that case the honourable member may move his motion after no. 50. We are now dealing with secondary education. Let us dispose of secondary education and then we can go to university education again.)

Shaikh Muhammad Habibullah : Sir, I was very glad to see nos. 38 and 39 tabled in the name of my friend Rai Bahadur Thakur Hanuman Singh and myself, and I thought we will be sailing in the same boat today with regard to female education. The necessity of the moment in the line of education is really the education of girls. . . .

Rai Bahadur Thakur Hanuman Singh: Has the honourable speaker moved the motion?

Shaikh Muhammad Habibullah: I beg to move that under sub-head Secondary Education—A—Intermediate Colleges and High Schools—Female education, a reduction of Re. 1 be made.

In moving this resolution I wish to bring to the notice of the House the importance of giving impetus to the education of girls. There is no doubt the Hon'ble Minister for Education is certainly an educationist of high order and is admired for the type of education which the male members of this House receive, but he is a great enthusiast of female education. There are reasons for it. I do not know whether he alone deserves the credit for it or whether there are peculiar circumstances under which he has adopted this policy. But this much I can say that the policy which he has adopted is a most commendable one and we are glad that he has increased the grant under the head Female Education.

Now, Sir, there are so far as I know very few Intermediate colleges for the education of girls. Perhaps there is only one in Lucknow that has recently been raised to the standard of Intermediate, if I am rightly informed. I think it is now time that more Intermediate colleges are opened in large cities for the education of girls, and hope the Government will with the help of this House find more money to be spent in this line than they have so far been able to do or have been doing. The present conditions are no doubt an improvement over the past, but we want the future to be brighter still. I do not know what would have been the position of even the secondary higher education of girls in these Provinces but for the patriotic movement started by the Missionaries from outside India. We should be very thankful for the help we have received from them in the line of female education. I hope my recommendation is of a character to which nobody can say No. I hope the Government will give their ready assent and promise that they will to the best of their ability try to establish Intermediate colleges for girls in large cities.

Mr. A. H. Mackenzie: Mr. President, my honourable friend was not quite correct in his facts. He said that there was only one Intermediate college for girls. As a matter of fact there are four. There is one at Lucknow, one at Allahabad, one at Benares and one at Aligarh. Nonetheless I quite agree with the honourable member, and I am sure the Hon'ble Minister does, that these are inadequate and that we ought to have more Intermediate colleges for girls in large cities. I may say in this connexion that it was only last week that the Hon'ble Minister spoke to me on this very question and said that it was his desire, if possible, to see another Intermediate college for girls soon in Cawnpore. There are other cities too where there is a need, and I do not think that my honourable friend will find any difference between the Government or the Education Department and himself, or any section of the House, on this question. On behalf of Government I accept this resolution. Before I sit down I wish to express my thanks to the Shaikh Sahib for again chivalrously commending the work of Missionary institutions. These institutions have done a great deal for girls' education in the Province and it is I know very encouraging to

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them to find that their efforts are appreciated by men of the position of Shaikh Habibullah.

The motion was, by leave, withdrawn.

Khan Bahadur Hafiz Hidayat Husain : I beg to move that under sub-head Secondary Education—A—Government Intermediate Colleges and High Schools—(b) Female educations—Total, a reduction of Rs.10 be made.

Unfortunately, Sir, I was absent when motion no. 32 was called and I did not have the opportunity of placing before this House some of the viewpoints regarding secondary education of males. But I want to urge in connexion with the present motion that I am anxious than an Intermediate college purely for girls be established. I am not myself very anxious. . . .

Mr. A. H. Mackenzie : Where? Established where?

The Hon'ble the Minister for Education : In Cawnpore?

Khan Bahadur Hafiz Hidayat Husain : I shall just tell you.

The Hon'ble the President : This is exactly what we were discussing a short while ago—more Intermediate colleges for girls.

Khan Bahadur Hafiz Hidayat Husain : I am only prefacing, Sir, my remarks by drawing attention to this subject.

The Hon'ble the President : Let the preface not override the substance. Let us have the substance of the speech.

Khan Bahadur Hafiz Hidayat Husain : I will confine myself to the point. Why I am anxious, Sir, as asked by the Director of Public Instruction, is that the education of females in this Province has not advanced to that extent which we all desire—I am referring to education of the right sort. In certain male colleges girls have been able to enter and co-education has also started. There are also colleges, for instance the Intermediate college for Muslim Girls at Aligarh, and a high school in Lucknow, etc. but what I really want Government to spend its money on is that instead of creating so many colleges teaching the ordinary curriculum meant for boys, there ought to be a model institution started by the Government which should serve as a model to fit our girls as better wives and better mothers. My emphasis is on the quality of education for girls. I particularly want girls' colleges to be started as soon as possible as a model college for girls' education which would take up teaching subjects there. They would produce better wives and better mothers for the future well-being of the Province.

The Hon'ble the President : The honourable member has said nothing new: it is a repetition of what has gone before, so I rule the motion out of order here.

Rai Bahadur Babu Vikramajit Singh : I beg to move that under sub-head Secondary Education—A—Intermediate Colleges and High Schools, a reduction of Re. 1 be made.

My object in putting forward this motion is that wherever aided Intermediate colleges and high schools exist and afford facilities for training students the Government Intermediate colleges and high

schools be abolished. I think that the Hon'ble Minister and the Director of Public Instruction will welcome a suggestion of this kind which will put more money into the pocket of the Government. Yesterday the Government seemed to be very chary in spending money on higher education, and today I have found out a method to place more funds at the disposal of the Government without causing any detriment to the cause of education. Sir, speaking from my experience of Cawnpore.

The Hon'ble the President: Is it the idea of the member that Government colleges be abolished?

Rai Bahadur Babu Vikramajit Singh : I say wherever they are not needed, and I will just explain my point further. For instance if we were to take the case of Cawnpore, I should say that a Government High School in Cawnpore is superfluous.

In Cawnpore we have got the D. A. V. High School, Khatri High School, the Muslim High School, the Municipal Board High School, B. N. S. D. Intermediate College, etc so that we have got a very large number of aided institutions which afford sufficient facilities for all classes of people to send their boys for training in these schools. The Government High School is an expensive institution and the question is whether in a place like Cawnpore where many efficient schools exist, there is a necessity of a Government high school. There may be other places where private institutions exist, and the necessity of a Government high school may not be felt. From the motions of other honourable members of this House, it has been pointed out that there are places where there is a necessity of establishing new Intermediate colleges or of high schools. I think, Sir, it will be well for the Government to consider the question in all its bearings in the various districts and wherever there is a superfluity of any such institution, those institutions should be abolished, and the needs of those districts where there is no High School or where facilities for higher education do not exist, there the facilities may be given. Of course, so far as Government Intermediate colleges go, I am not definitely in a position to say—probably the Director of Public Instruction might know better—whether the need of any particular Intermediate college is not necessarily felt. But as regards Government high schools, they are 48 in number, and I find that the number of high schools in the province is 153—in some places there are more schools than one. The question is whether there is any necessity of having Government high schools where there are private schools. For instance, if you have no Government High School in Cawnpore there will be no difficulty for the students getting admission in other institutions. There are so many other private institutions in that city that they can absorb all the students that would come in. And from any other point of view too the need of such an institution is not necessarily felt, because all the communities have got institutions of their own and there are other institutions which admit freely members of any community whatsoever; there is no restriction in the matter of admission of the members of any community in the various high schools that exist in Cawnpore. I believe the Government are spending something between Rs.80,000

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and a lakh of rupees on the Government school in Cawnpore annually and that money could be very profitably spent in giving assistance to existing institutions or in opening higher classes in places where they do not exist. I, therefore, commend this resolution for the consideration of the Government. This will save money and not duplicate schools where they are really not needed.

***Kai Bahadur Thakur Hanuman Singh :** I rise to oppose the motion which has been moved by my friend Rai Bahadur Babu Vikramajit Singh. I think this motion of his is in pursuance of the policy which he has adopted in this Council of placing more money in the hands of the Hon'ble Minister for Education. It was only the other day that he supported the Hon'ble Minister in getting more money from Excise and now he has come forward with a proposal to get more money for the Hon'ble Minister by the abolition of high schools. (An honourable member :—"To get more money for the colleges") more money for the high schools; may be for the colleges. I do not understand the statement, that the schools which have been established in Cawnpore have been established without any need or that when these schools were established the Government High School was not in existence. If there had been no need for the establishment of more schools the public of Cawnpore would not have wasted their money on the establishment of these schools which are in existence at present. It is the desire of the country, Sir, that the Government should help or Government itself should open more institutions for imparting education; while in fact I find an honourable member of this House advocating the abolition of schools where the public have established their own schools with the aid of Government. This is a policy, Sir, which may find support from Government benches, but it will not get support from a single member who has come into this House to represent his constituency. The honourable member, I think, is very, very wrong in advocating the abolition of Government high schools in places where they exist. I think his advocacy should have been reserved for some better cause.

Shaikh Muhammad Habibullah : I rise to support my friend, Rai Bahadur Thakur Hanuman Singh. I am really surprised to find that an educationist of the eminence of my honourable friend from Cawnpore should have come forward with a suggestion of that kind. Being connected with trade and commerce, he has taken advantage of the financial position of the Government and made a suggestion, which I am afraid he has not examined properly. His idea is to do away with Government schools where there are non-Government public schools, for in his opinion there is no use having a Government school run at a higher cost when other institutions of a similar type are being run at a lower cost. In other words, the honourable member wishes to support cheap education, as against better education. I should like to ask my honourable friend if he has studied the western problem of secondary education. In Europe Government schools are the cheapest and are meant only for the poor class of people. The best schools we hear about in England are not Government schools. The Government schools there are meant for those who cannot afford to send their children to public schools which, of course, are not maintained by

Government. My friend here wants to reverse the order. By doing so he may for the moment please the Government, because his scheme leads to economy. But I submit that this economy is a false economy. I do not wish to join my honourable friend, Rai Bahadur Thakur Hanuman Singh, in his bitter criticism, but every time I am ready to support him in his conclusion that the view of my honourable friend from Cawnpore is erroneous. In fact I am even willing to say that if there is no Government school at any place, where there are several public schools, Government should take steps to establish one, so that the standard of education in other schools might always come up to that prevailing in Government schools. This, Sir, is the right spirit, and it seems to me that my honourable friend has caught hold of the wrong end of the stick altogether. In these circumstances I hope my honourable friend will treat my criticisms as coming from a friendly quarter, and not in a spirit of opposition, and see his way to change his views.

Pandit Shri Sadayatan Pande: Sir, I had absolutely no idea of interfering with the affairs of the Cawnpore schools, but my venerable friend, Shaikh Habibullah, has come out with his suggestions and that has made me stand up and say something. He has said that Government schools in England are maintained for those who want to have cheap education. Further, what I gathered from his speech is that the standard of private schools is much lower than that of Government schools. I submit that when there are a number of schools established by the various communities in Cawnpore and when we find that the standard of education imparted in those schools is not lower than, or in any way inferior to, that imparted in Government schools, what is the justification in keeping a Government school there which is costlier. I have been noticing a peculiar tendency in the House, particularly in this session, to make unpleasant and howling remarks against Babu Vikramajit Singh. I hold no brief for him, but I submit, Sir, that I have found absolutely no justification for the undesirable remarks of my honourable colleagues against him. Whether his suggestion is right or wrong everybody seems to say that he holds the wrong end of the stick. It is his conviction and it is his angle of vision from which he views things which make him say what he says. There are a number of things on which people do not agree, and on that account they speak out their mind. As I said in the beginning in my speech, I am not a person who opposes the spread of education. The diffusion of education is as wholesome and beneficial for a country as anything. There is no better gift to the people of a country than education, but then the method of education has got to be considered having in view the situation at present. With these remarks I oppose Shaikh Habibullah Saib.

***Khan Bahadur Maulvi Fasih-ud-din:** Sir, if I take part in this debate I do so on account of the fact that the debate has taken a very peculiar turn and I think I should contribute a speech to this debate myself. Sir, I am sure that the policy of the Government with regard to secondary education needs a change and a radical change. We find that the secondary schools are turning out between 10 and 12 thousand matriculates every year. A few of these take up higher education in

[Khan Bahadur Maulvi Fasih-ud-din]

colleges, but 90 per cent. of the product of these secondary schools hankers after service. They run for service and after about a year or two they find that they are running after will-o'-the-wisp, after a mirage. The result is that they get disappointed and accept service like the post of a constable in the Police Department.

Only the other day I happened to meet the son of a respectable but a very poor friend of mine, who told me with tears in his eyes that he had passed his Matriculation about five years ago.

The Hon'ble the President: May I just point out that the question here is a very simple one, that is the abolition of Government High Schools in places where there are other institutions available for the purpose.

Khan Bahadur Maulvi Fasih-ud-din: I am leading to that, Sir.

The Hon'ble the President: I would request the honourable member to be brief. We have only reached No. 42 and there are so many more motions for reduction.

Khan Bahadur Maulvi Fasih-ud-din: I submit that the number of schools in the Province, both Government and private, are too large and most of these schools are turning out students who have no chance of getting bread. It is for this reason that I consider that it is high time for the Government to cry halt in their policy of promoting secondary education by means of high schools. It is high time for the Government to pause and think whether so many Government schools are really needed, especially at places where well-equipped private schools already exist. My friend Shaikh Habiullah has just remarked that the teaching in Government schools is more efficient than in private institutions. With due respect to his experience and to his knowledge of the educational work, I submit that my own experience leads me to think that there is absolutely no difference in the matter of efficiency in these two classes of institutions. The private schools are equipped with the same kind of teaching staff as the Government schools and the private schools have got the same number of teachers as the Government schools have on their roll. The rules about the conduct of these schools are the same both for Government schools and for private schools, and it is the experience of every one of us that very often these private schools pass out a large number of boys with a larger number of first divisioners than the Government schools. For this reason I think it is high time for the Government to consider this question very seriously and abolish these Government schools. I remember that some years back when Mr. Chintamani was the Minister in charge of Education he went to Budaun and there he was very much impressed with the working and the efficiency of the Budaun Meston Islamia School, and in his speech which he delivered on that occasion referring to the Government School of Budaun, he said that no Government school has the justification to exist when there is an equally well-equipped private school at a place. These were his words which I remember. I think that that should be the policy of the department and they should now curtail the number of these Government schools, especially in places like Cawnpore, Budaun, etc.

Shaikh Muhammad Habibullah : That would be the policy when you will be the Minister.

Khan Bahadur Maulvi Fasih-ud-din : But not when you will be the Minister.

Shaikh Muhammad Habibullah : Certainly not.

Pandit Joti Prasad Upadhyaya : I rise to support the motion which is under discussion before the House. This is a motion which advocates the cause of economy in the expenditure of education. There are a good many places in these Provinces where Government High Schools are certainly not needed. I would point out my own place, Agra, where a Government High School is not in the least needed. Agra has got five very efficient high schools where parents can send their boys for education. There are five high schools in Agra, viz. the Victoria High School, the Rajput High School, St. John's High School, the Shobia High School, and the Baptist Mission High School. The Department of Education gives, I think, liberal grants to these schools and these schools are doing as efficient and satisfactory work as the Government High School. I know there would probably be one objection to the abolition of the Government High School at Agra. The Director of Public Instruction will stand up just now and with his usual eloquence will say that it is attached to a training college, and the pupil teachers in the training college are required to do practical work in the Government High School at Agra. But that argument, I submit holds no water, as these pupil teachers can go to other colleges for doing practical work in teaching boys and getting experience of teaching. I therefore submit, with all the emphasis at my command, that the Government High School at Agra is not needed at all. It is a most costly institution where the headmaster is a provincial service man getting about Rs.600 a month, and several other teachers are getting Rs.200 a month or more. With that amount which is being spent on the Government High School at Agra I think we can establish two girls' schools in the Provinces, and especially one at Agra where it is very badly needed. There is one more case, Sir, which also must be brought to the notice of the Government and that is the case of the Hathras Government High School. There is a very efficient private school started through the magnanimity of a gentleman there, known as the Bagla High School. That school, I submit, is more efficient than the Government High School at Hathras. I would, therefore, suggest to the Department of Education that this High School at Hathras is also not needed on account of the existence of another aided school there and its abolition may be considered then.

Another matter, Sir, which was raised in this debate by Shaikh Habibullah Sahib was that he compared the English public schools to the private schools here in India. But I submit that there can be no comparison between the two classes of schools.

Shaikh Muhammad Habibullah : Public schools are private.

Pandit Joti Prasad Upadhyaya : Public schools in England? Yes they are.

Shaikh Muhammad Habibullah : They are not Government schools.

Pandit Joti Prasad Upadhyaya : I know they are not. He compared, Sir, the public schools of England, having life-long traditions, having some of the best teachers that are found in the United Kingdom and endowed with some of the most modern educational equipments, with private schools in India and he stated here on the floor of this House that, side by side with these public schools, Government schools also existed in England for the education of the poorer people. But those public schools, I submit, are far superior to the private schools here, which are certainly not as efficient as the public schools in England. The public schools in England are not meant for the boys of the middle classes and the boys of the poorer classes. They are meant for the people who have got sufficient income. The cost of the education of one boy in those traditional public schools is about Rs.300 to Rs.400 a month which no ordinary man can afford to spend. It is, therefore, with that object that the Government schools probably exist there for the boys of middle class and poorer people. Here that analogy does not apply at all. Here the question was purely one of economy. When the mover of the motion made that motion, I think and I presume that he was actuated by motives of economy. While, on the one hand, Government are cutting down expenditure in all their departments, they are incurring unnecessary expenditure in this matter. It is, therefore, high time that these Government schools should be abolished where there are efficient private schools and which are doing equally efficient work, and this money which may be saved by the abolition of Government High Schools may be applied to three more important branches of education—the girls' education, the industrial education and compulsory primary education, which are the crying needs of the country at the present time.

There is one more matter, which has not formed part of this debate, which I would like to bring to the notice of Government in connexion with Government High Schools. If a reference is made to paragraph 134 of the Educational Code of the Government, we find that the constitution of a committee is defined for each Government High School. As far as I have been able to gather, these committees do not function at all in any of the districts of these Provinces. I have experience of two or three. I do not know much about others. I think that the constitution of a committee is defined in that paragraph and the committee consists of eight or ten members, including members of the Legislative Council from a particular district. So far as I have been able to know, these committees have not functioned in the past, and I would, therefore, insist on the Department of Education to issue necessary instructions to the authorities concerned, directing them to call frequent meetings of these committees with the object of discussing matters relating to Government High Schools.

Chaudhri Muhammad Ali : چودھری محمد علی صاحب :

حضور والا -

شیخ سعدی کا ایک قول ہے کہ جب دشمنوں کی فوج میں لڑائی ہو تو اپنی فتح سے مطمئن ہو جاؤ میں برابر دی آنریبل مسٹر آف ایجوکیشن اور ڈائریکٹر آف پبلک انسٹرکشن کو غور سے دیکھ رہا تھا کہ جب ہم لوگ جو

اوپریشن میں کہلاتے ہیں جب وہ لوگ آپس میں آتے رہتے تھے تب کیا اضمینان اُن حضرات کے چہرہ پر تھا واقعی بہت سی باتیں عہد کے قابل ہوتی ہیں پولیٹیکس بالکل ایسی چیز ہی جیسے کہ جہولہ۔ کبھی اس سے بڑے چم آیا اور کبھی اُس سے پر گیا۔ یا تو گورنمنٹ کی یہ شکایت ہوتی ہی کہ صاحب وہ تعلیم زیادہ نہیں دلواتی تھی وہ اس کے لیئے روپیہ نہ منڈور کرتی ہی یا کبھی شکایت ہوتی ہی اس بات پر کہ اس سے لوگ بگڑتے جاتے ہیں اتنے زیادہ اسکول کیوں کیئے دیتے ہو discontent پیملٹی ہی لوگ دیتے لکھ کہ اپنے حقوق مانگتے لگتے ہیں ایک مسئلہ ہی من چہ سہ ایم و تذبذبولہ چہ سہ سہ میں کچھ گڑھا ہوں اور میرے ہاتھ میں جو باجہ ہی وہ کچھ اور بچا رہا ہی کیونکہ انگلستان کا بی ذکب آیا ہی اور ہندوستان کا بھی ذکر آیا ہی بلا اس خیال کے کہ کون صاحب انگلینڈ گئے ہیں اور کون نہیں گئے ہیں ہر شخص ایک authority ہی ایجوکیشن کے معاملات پر *

Pandit Joti Prasad Upadhyaya :

کیا انگلینڈ جانا ضروری ہی ؟

Chaudhri Muhammad Ali :

کسی جگہ کے حالات بیان کرنے اور اس قدر زور دینے کے لیئے وہاں جانا ضروری ہی مثلاً اگر میں کلکتہ کے حالات بیان کروں اور میں نے کبھی کلکتہ نہ دیکھا ہو تو ضرور میرے اوپر اعتراض ہوگا یہ تو ایسی بات ہوئی جیسی کہ مثل ہی کہ مارے تو بلا ہمارے خیرآباد۔ یعنی کوئی تصور کرے اور خیرآباد میں تباہی پھیل جائے *

یہ بھی فرمایا گیا ہی کہ پرائیویٹ اسکول جو ہیں وہ بہتر تعلیم دیتے ہیں۔ میں نام نہیں لینا چاہتا ہوں اُن صاحبان کے جنہوں نے فرمایا ہی کہ پرائیویٹ اسکول گورنمنٹ اسکولوں سے بہتر تعلیم دے سکتے ہیں یا برابر تعلیم دے سکتے ہیں لیکن بعض حضرات نے یہ بھی تجویز کیا ہی کہ چونکہ گورنمنٹ اسکول میں پرائیویٹ اسکول سے زیادہ خرچہ ہوتا ہی لہذا اُن کو توڑ دیا جائے۔ جناب ایک مسئلہ ہی کہ جتنا گز ڈالئے گا اتنا میٹھا ہوگا۔ یہ میری سمجھ میں نہیں آتا کہ Cheap education سے وہی فائدہ کیسے ہو جائیگا جو زیادہ روپیہ خرچہ کرنے سے ہوگا۔ ارزاں بعلت گہاں بحکمت۔ جو چیز سستی ہوگی اُس میں کوئی نہ کوئی خرابی ضرور ہوگی۔ ایک صاحب یہ بھی فرماتے ہیں کہ ایک ہیڈ ماسٹر کو Rs.600 ملتا ہی اُس کو کم ملنا چاہیئے *

Pandit Joti Prasad Upadhyaya :

یہ ہرگز نہیں کہا گیا تھا

Chaudhri Muhammad Ali :

وہ ایسا اسکول ہی جہاں Rs.600 کا ہیڈ ماسٹر نہ ہونا چاہیئے۔ اے صاحب وہ اُس گہدے میں ہی اُس کو کیوں نہ ملنا چاہیئے ؟

Pandit Joti Prasad Upadhyaya :

شاید یہ بھی نہیں کہا گیا تھا *

Chaudhri Muhammad Ali :

معاف کیجئے - مجھے یاد بھی نہیں ہے کہ آپ نے یہہ فرمایا ہے یا کہ صاحب نے یہہ فرمایا ہے مگر کسی ملک کی قوقی اسی طرح سے ہوسکتی ہے کہ زیادہ لوگ اس مسئلہ کو سمجھ لیں کہ کون میا ہے اور کون تیرا یعنی اپنے حقوق سے واقف ہو جائیں اور اپنے فرائض سے بھی آگاہ ہو جائیں - بعض حضرات کہتے ہیں کہ Primary Schools میں یہہ روپیہ صرف کیا جائیگا لیکن جناب اس سے وہ political consciousness ہرگز نہیں آویگی جو آئندہ لوگوں کے کالج میں جانے سے ہوگی - سستی تعلیم کے متعلق ایک پرانا مسئلہ ہے جو بچپن میں سنا ہے جس وقت کوئی غلطی ہم نے کی - جس طرح ممکن ہے اس وقت بھی ہم کر رہے ہیں یا دوسرے آنریبل ممبر صاحبان کر رہے ہیں جنہوں نے اس مباحثہ میں حصہ لیا ہے کہ اے میاں کیا تم نے کونوں دے کر پڑھا ہے - لیکن آج بعض حضرات کی یہہ رائے ہے کہ روپیہ دے کر پڑھنے میں فائدہ کم ہے کہوں دے کر پڑھنے میں فائدہ زیادہ ہے - بہر حال میں اپنا معافی الصمیر ادا کرچکا جو کچھ مجھے کہنا تھا اب میں تمہ دل سے ٹھاکر ہنومان سنگھ صاحب کو سپورٹ کرتا ہوں اور ریژولوشن کو اپوز (oppose) کرتا ہوں *

Mr. A. H. Mackenzie : Mr. President, the discussion on this resolution has been somewhat discursive. I shall confine myself to the main issue which was raised by my honourable friend, the Rai Bahadur. The proposal that Government schools should be abolished in certain districts was made, first of all, by the Fremantle Economy Committee. The proposal was again emphasized by the Retrenchment Committee of 1931. But that proposal was in a somewhat different form from the proposal now made by the Rai Bahadur. The proposal then made was that Government High Schools should, where possible, be transferred to the control of private bodies that were willing to take them over. It was found that wherever Government tried to give effect to that proposal, there was a howl of opposition from the particular place affected. For instance, the proposal was made at Hathras, at Rurki, at Amroha, and at Bijnor. From each of these places came streams of objections, and the reason is obvious. The Government school in a district is the only public school in the true sense of the term. That is to say it is a school under the control of the public, control expressed through this Council. It is a school, in practice as well as in theory, open to all classes of the community. It is a school staffed by all classes. Private schools by their very nature serve some religious or sectarian purpose, a very worthy purpose.

Rai Bahadur Thakur Hanuman Singh : No, no.

Mr. A. H. Mackenzie : A very worthy purpose very often but nonetheless a special purpose. That is indeed why they exist and no private body is likely to take over a Government school unless it is going to get something in return, unless it is allowed to use the school for its own purpose, which is its main purpose, public interest being served only in so far as the public interest is not inconsistent with the main purpose of the management. But the Rai Bahadur's proposal is somewhat different. What he suggests is that the Government

school should be abolished in places where there are adequate facilities for education. By using the word "adequate" I take it he means open to all communities and that there should be adequate efficiency and adequacy in every way, except in the one way which cannot be achieved under his system, adequacy of public control. His proposal, it seems to me, is not an unreasonable proposal. I would go further and say that it is a proposal that the Government will be glad to examine very carefully. We want money very badly. My friend, Thakur Hanuman Singh, seems to think that the Minister should not be allowed to get money from any source. But surely if the Minister is to get it by abolishing these schools, he has to use it on some other educational purpose. We need money especially for girls' education. If one visits girls' secondary schools throughout the Province, one finds that, generally speaking, they are inadequately housed as compared with boys' schools.

Shaikh Muhammad Habibullah : Do not rob Peter to pay Paul.

Mr. A. H. Mackenzie: I would rob Peter to pay his sister. I think that the time has come when we must deprive boys of some of the privileges they have had in the past and give some of these privileges to girls. The Government are prepared to do this at Cawnpore, or Agra, or any other place where they are satisfied that by abolishing a boys' high school they will not be depriving boys of adequate educational facilities. Government are prepared in cases like these to abolish Government boys' high schools and hand them over to girls. (Cheers.) I hope these cheers do not mean that it is expected that Government will do this tomorrow. What I said was—I chose a word which I always use with great deliberation—that Government would *examine* the proposal. They will look at it from every point of view, but they welcome the proposal and I hope that in view of what I have said the Rai Bahadur Sahib will not press his motion.

Rai Bahadur Babu Vikramajit Singh : I am very glad to acknowledge the way in which the honourable friend Mr. Mackenzie has received my motion. I am very sorry for the mentality of my honourable friend Thakur Hanuman Singh who did not care to consider dispassionately the suggestion that I put forward. He had probably some very great pre-conceived prejudice against the motion that I put forward before the House. He has his own peculiar ideas with regard to such matters. My honourable friend was mixing up a certain other debate with this motion before the House and I think that he was looking through coloured glasses and, therefore, he did not apply his mind really to the substance of this motion, but I am glad that my honourable friend, the Director of Public Instruction, who has got an intimate knowledge of the various high schools, has rightly interpreted my meaning.

My honourable friend, Shaikh Habibullah, has opposed the motion. I have always very great respect for his opinions because he speaks from the heart. He is always earnest, but in this instance I will point out that he did not possess the intimate knowledge that I possess in the matter of such institutions. I do not know if my honourable friend, Shaikh Habibullah, has ever visited the high schools in Cawnpore, because I never had the good fortune of seeing him in Cawnpore during

[Rai Bahadur Babu Vikramajit Singh]

the last thirty-six years that I have been there. Therefore I conclude that whatever he said was only on the basis of some pre-conceived ideas, or theories, while I am speaking from my experience and from the knowledge that I have of Cawnpore and its institutions. I can assure the House that I do not for one moment desire to curtail or reduce the facilities for education. I have always been supporting the cause of expansion of education, and if any member thinks otherwise, I think he is unnecessarily biased and prejudiced.

Shaikh Muhammad Habihullah: You want to make it cheap.

Rai Bahadur Babu Vikramajit Singh: I further say that this is also incorrect that I would rather like to have cheap education or inefficient education. I only spoke definitely for Cawnpore that, so far as Cawnpore goes, we have got high schools there which impart very good education which is not second to any which is imparted in other high schools. I think my honourable friend, Mr. Mackenzie, who has got an intimate knowledge of those high schools, knows very well that the education which is imparted in Cawnpore in the several schools is of a very superior type. Then I say further that many of the schools are not denominational schools. For instance, if you were to take Pandit Pirthi Nath High School, it is only in the memory of Pandit Pirthi Nath, one of the leading citizens of Cawnpore, that this school was established. It is not denominational. There are many other schools where members of every community get free admission: for instance, the Christ Church College, the B. N. S. D. Intermediate College and, for the matter of that, every one of the other institutions. The Khattari High School there is open to every member of every community. I think the Education Department will be able to testify that many of the high schools in Cawnpore are first rate schools and they have got teachers who are very efficient indeed. I know, Sir, with regard to the B. N. S. D. Intermediate College that it has always been very highly spoken of by the Director of Public Instruction. Very recently you, Sir, paid a visit to that college and spoke in very eulogistic terms of the Principal of that institution as well as of the institution itself, so that it cannot be said for one moment that my object in bringing forward this resolution is reactionary or retrograde or of curtailing facilities for education and making education cheap and so on. I do not agree with those honourable members—although they have supported me—who say that they would not like to multiply matriculates or graduates. Sir, I do not agree with that view. In fact, I am in favour of spreading education, whether people get employment or not. The business of education is not to secure employment. Its purpose is quite different and I am in favour of giving education for its own sake. Therefore I think that my honourable friend, Rai Bahadur Thakur Hanuman Singh did me injustice when he said that the motion which I have moved is either an inspired one or is meant for the benefit of the Government. This is entirely wrong.

Rai Bahadur Thakur Hanuman Singh: I did not say that.

Rai Bahadur Babu Vikramajit Singh: My friend may not have said that in so many words; the way in which he put it clearly implied that I was not honestly convinced of the necessity of bringing such a motion before the House and that I merely moved it with a

view to please the Director of Public Instruction or the Hon'ble the Minister for Education. My honourable friend is entirely wrong in his opinion. So long as I belonged to the party to which my honourable friend has the honour to belong, I was all right, but because we have now parted, my friend has begun like his Leader to attribute motives to me. We come here to discuss questions of public importance and not personalities and individualities. I therefore beg the House to consider the motion now before it quite dispassionately on its merits. It is no concern of mine whether the motion is rejected or accepted; it does not glorify me or do any good to me if it is accepted. I only put it forward because I find that there is multiplicity of schools in certain places where they are not needed and it would certainly be in the interest of economy and in the interest of the department itself if some of the superfluous institutions are abolished and that money is utilized better. I am glad my Honourable friend, the Director of Public Instruction, has rightly understood the meaning which underlay my motion. I have, therefore, no intention of pressing this motion as the Director of Public Instruction has said that the Government have every intention of looking into the matter. I beg to withdraw my motion.

The Hon'ble the President: Is it the pleasure of the Council that the motion be withdrawn?

Many voices: No.

The Hon'ble the President: The question is that leave be given to Rai Bahadur Babu Vikramajit Singh to withdraw his motion No. 42.

The question was put and negatived, the House having divided: ayes, 33; noes, 39.

Ayes 33

Abdul Hasan, Saiyid.	Jaffer Hosein, Khan Bahadur, Saiyid.
Afzal-ud-din Hyder, Shaikh.	Joti Prasad Upadhyaya, Pandit.
Ahmad Sa'id Khan, The Hon'ble Captain	Kharegar, Mr. P. M.
Nawab Sir Muhammad.	Lace, Mr. H. A.
Ain-ud-din, Khan Bahadur, Saiyid.	Mackenzie, Mr. A. H.
Balwant Singh Gahlot, Thakur.	Majsud Ali Khan, Khan Sahib, Muham-
Bennett, Mr. J. R. W.	mad.
Bisheshwar Dayal Seth, Rai Bahadur,	Mason, Mr. P.
Kunwar.	Muhammad Yusuf, The Hon'ble Nawab
Blunt, The Hon'ble Mr. E. A. H.	Sir.
Brij Lal Badhwar, Rai Bahadur, Mr.	Nutt, Colonel H. R.
Clay, Mr. J. M.	Pul Chand Mogha, Rai Bahadur, Babu.
Dar, Mr. S. S. L.	Sa'adat Ali Khan, Raja Saiyid Muham-
Fasih-ud-din, Khan Bahadur, Maulvi.	mad.
Hadiyar Khan, Khan Bahadur, Muham-	Salayatan Pande, Pandit Shri.
mad.	Sathe, Mr. J. N. L.
Hari Kishan Mathur, Mr.	Srivastava, The Hon'ble Mr. J. P.
Hollins, Mr. S. T.	Suraj Din Bajpai, Rai Bahadur, Pandit.
Imtiaz Ahmad, Khan Sahib, Muhammad.	Teyen, Mr. C. St. L.

Vikramajit Singh, Rai Bahadur, Babu.

Noes 39

Anand Sarup, Rai Sahib, Lala.	Dahari, Mr.
Arjuna Singh, Chaudhri.	Dharya Singh, Chaudhri.
Awadh Sihari Lal, Rai Bahadur, Babu.	Gajadhar Prasad, Babu.
Baldeva, Chaudhri.	Ghasita, Chaudhri.
Bhacos, Chaudhri.	Habibullah, Shaikh Muhammad.
Brahma Dutt, Pandit alias Bhaiya Sahib.	Hacuman Singh, Rai Bahadur, Thakur.
Brijnandan Lal, Mr.	Hidayat Husain, Khan Bahadur, Hafiz.

Jagannath Bakhsh Singh, Raja.
 Jagbhan Singh, Kunwar.
 Jagdambika Pratap Narayan Singh, Raja.
 Jamshed Ali Khan, Captain Nawab
 Muhammad.
 Jwala Saran Kothiwalla, Rai Sahib, Sahu.
 Keshava Chandra Singh, Thakur.
 Liaquat Ali Khan, Nawabzada Muham-
 mad.
 Muhammad Ali, Chaudhri.
 Muhammad Mehdi, Raja Saiyid.
 Muneshwar Bakhsh Singh, Thakur.
 Nazar Husain, Shah.
 Obaidur Rahman Khan, Khan Bahadur,
 Haji Muhammad.

Perma, Mr.
 Prem Ballabh Belwal, Pandit.
 Raghuraj Singh, Rai Bahadur, Chaudhri.
 Rahmat Khan, Mr. Muhammad.
 Rajeshwari Prasad, Rai Sahib.
 Ram Chandra, Chaudhri.
 Shyam Lal, Lala.
 Srivastava, Mrs. Kailash.
 Surendra Pratap Sahi, Rai Bahadur, Kun-
 war.
 Tappu, Mr.
 Yusuf Ali, Syed.
 Zahid Ali Sabzposh, Khan Bahadur, Saiyid
 Zahur Ahmad, Mr.

The Hon'ble the President : I take it that the object of this motion No. 42 is to secure the abolition of Government Intermediate Colleges and Government High Schools wherever there might be efficient private institutions of the same type ?

Rai Bahadur Babu Vikramajit Singh : The issue is : " Wherever aided efficient intermediate colleges and high schools exist and afford adequate and sufficient facilities for training students, the Government intermediate colleges or high schools be abolished."

The Hon'ble the President : The House has heard the issue from the honourable member himself, and with that object the motion will be put to the House.

The question was put and negatived.

Pandit Shri Sadayatan Pande : Sir, I beg to move that under sub-head Secondary Education—Intermediate Colleges and High Schools—Total, a reduction of Re.1 be made.

I shall be very brief. The object of my cut is to secure representation of teachers of the Indian States on the Intermediate Board. As the States are not included in the Board's constituencies, it is necessary to amend the present Act in order to secure that object. I understand that there is a separate Board of High School and Intermediate Education for Ajmer-Merwara Province, which is affiliated to the Intermediate Board of this Province. So it seems to me.

The Hon'ble the President : May I point out to the honourable member that, as far as the Board of High School and Intermediate Education is concerned, expenditure under that head will be found on page 11 of the Detailed Estimates and Grants under sub-head "Miscellaneous." The Board of High School and Intermediate Education does not come under this sub-head at all.

Pandit Shri Sadayatan Pande : Then, Sir, I shall speak later on this point.

The Hon'ble the President : This I do not know. This motion is out of order here.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan : Sir, I beg to move that under sub-head Secondary Education—Government Intermediate Colleges and High Schools, a reduction of Rs.10 be made.

My object in moving this cut is to urge upon the Government the desirability of revising the curricula. It is an open secret that the education which is imparted at the present moment is not up to the

mark. There has been a cry over the subject for a long time in this Council and outside, but I may say without any fear of contradiction the Government has not taken steps to redress that grievance up to this time. I was thinking to move a resolution to that effect, but unfortunately the ballot did not give me an opportunity of doing so. Therefore I could not do so earlier. I think it does not require a long speech on my part, but I can say only so much that the Government itself is very keen to remove unemployment in these provinces. They have recently appointed a committee to find out ways and means to do away with the evil of unemployment to the possible extent. But I submit that the best way of removing unemployment is to revise the curricula. The present system has been in practice for a long time and there has been enough experience. I do not say it did not serve any purpose. I can say and I do say that it has served its purpose. But now a change is required. There is no institution in this world, rather there is nothing in this world which does not require a change after some time. I think the time has come when a change should take place in this direction also. Agricultural, industrial and vocational education should be given prominence. Only the other day there was a selection of Sub-Registrars in Lucknow.

The Hon'ble the President: We have heard that already. Pandit Shri Sadayatan Pande has already referred to it.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: I was only mentioning it.

The Hon'ble the President: Let the honourable member mention some other points. It is no use repeating the same points.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: I bow to your ruling, Sir. I was not here and did not hear the reference otherwise I would not have repeated it. I leave it. I hope that the Government will give effect to this wish and they will find out some way to revise the curricula at an early date.

Mr. E. Ahmad Shah: Sir, as a member representing this Council on the Intermediate Education Board, I may remove any misapprehension in the minds of the honourable members of the House about the curricula that is now in force in the Intermediate Board and the High Schools. There is no doubt about it that some honourable members have from time to time urged the necessity of changing the curriculum, so as to adjust it with the life of the country in general, and of the people of the rural areas in particular. I do not think that the Intermediate Board is unmindful of this suggestion. The honourable members of this House I think are aware of the fact that only three years ago the entire curriculum of the Urdu and Hindi Readers was effectively changed. An outline of topics and subjects was made by the curriculum committee of the Board, asking authors to embody such material in the text-books, particularly of the middle school standard, which will encourage students to study agriculture, industry and nature study. Since the above recommendations, only last year the output of the books from various publishers and authors was more than 300. These books were considered both by the curriculum committee, which governs the middle school education and also by the Vernacular Board which looks into books dealing:

[Mr. E. Ahmad Shah]

with primary stages of education. I would like to assure the honourable members of this House that the systematic presentation of the subject-matter both in Urdu and Hindi has been embodied in such a manner as to give a distinct bias for vocational education to students in those standards.

I have referred to Vernacular readers only, Sir. But if you look to other subjects I think the honourable members will find that a large variety of optional subjects is allowed to students, so that it is possible for them in the middle as well as in the high schools to include such subjects as nature study, manual work, agriculture and general science to enable them to equip themselves for some one vocation. I do not think the Vernacular Board has either ignored this aspect, or been negligent of its duty. On the other hand publishers and authors have criticized the activities of the Board. They say, that owing to the change in the curricula they have to publish new books and, as such, they are finding it difficult to meet the financial cost. They find that the text-books prepared for one year are changed by the committees responsible for judging the merits of the books, which causes financial loss to the publishers. I think many more points may be presented before this House, but I do not want to take more time. This is sufficient to enlighten the honourable members. If they care to find out additional facts they can find out from the curricula of the Vernacular Board, and if they carefully examine it they will know that there is a definite vocational bias introduced, both in the lower, as well as, the higher stages of education.

Khan Bahadur Hafiz Hidayat Husain : Sir, my honourable friend Haji Obaidur Rahman Khan has touched a very important point. Indeed, Sir, year before last I think, I myself drew attention to this subject by a special cut. I am glad that my honourable friend, Mr. Ahmad Shah who is a member of the Intermediate Education Board has drawn attention to the books that are now being taught in the schools and which have a distinct bias in favour of Agriculture, Industries and so forth. The real point however is that so long as there is no means of keeping up the knowledge learnt in schools, the wastage is enormous, and it was for this reason, Sir, that more than four years ago I moved a resolution concerning adult education, and my object was that we should have some sort of institutions or places where boys from our schools equipped with the study or certain useful subjects may have an opportunity of keeping up their knowledge. Unfortunately, Sir, as far as I know nothing has been done in this matter, and unless and until something is done in order that vocational learning taught in the schools and colleges may be kept up and boys may not be allowed to lapse into illiteracy which is the natural consequence of disuse, my submission is that the bias of which my friend Mr. Ahmad Shah has spoken will evaporate and will be thrown away.

Mr. A. H. Mackenzie : Mr. President, I do not think that I need say very much after what Mr. Ahmad Shah and Khan Bahadur Hafiz Hidayat Husain have said. But I should like to remind the honourable mover that Government have very little power in this matter. The statutory duty of prescribing courses of studies for High Schools and Intermediate Colleges has been vested by law in the Board of

High School and Intermediate Education; and I would suggest to him that the best course would be perhaps for him to get the Khan Bahadur Sahib to move a resolution at a meeting of the Board. I am sorry my honourable friend himself is no longer a member of the Board; otherwise he himself might do so. I ought to say in fairness to the Board that it has in recent years given considerable time and trouble to examining this very question that the honourable mover has brought up, viz., the question of how the curricula can be more suitably adapted to needs or what the Khan Bahadur calls the realities of life. Several committees have considered this matter, and as the honourable mover is interested in it I shall send him copies of the reports of the various committees on this subject. Further I shall see that a copy of this discussion is forwarded to the Convener of the Curriculum Committee in order that he may be in possession of my friend's views on the subject. I hope that in view of this promise he will not press the motion.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: I am thankful to the Director of Public Instruction for the promise which he has made. At the same time, it is gratifying to find that the honourable members of this House see the necessity of this change in the curriculum. For want of time I could not make a long speech; otherwise there are many things which could be said in this connexion. My object was that the Board of High School and Intermediate Education should know that this House thinks that there is a great necessity for this change that they must do whatever they can in this connexion.

In reply to what Mr. Ahmad Shah has said, I may say this much, that the changes which have already been made are not sufficient. We require drastic changes, and until and unless we make such changes there will not be any use. It is for the educationists to think of the ways and means of doing so. It is not for a layman like myself to suggest them here. We must however bear in mind that there is a great necessity for taking these measures and the sooner they take them the better it will be in the interest of the country generally and in that of these provinces particularly. I hope this House, by carrying this motion of mine, will show to the Board of High School and Intermediate Education, the necessity of the change which I am advocating.

The Hon'ble the President: I take it that the motion is being pressed with a view to impress upon the Government the need of revising the curriculum of studies.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: Yes, Sir.

The Hon'ble the Minister for Education: Is the honourable member pressing the motion?

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: Yes, Sir.

The Hon'ble the Minister for Education: Then in that case later on it will be impossible for Government to raise the grant under this head.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: In that event the Hon'ble the Minister can bring up a supplementary estimate.

The Hon'ble the Minister for Education: But that would serve no useful purpose.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: Then in the circumstances I beg leave of the House to withdraw the motion.

The motion was, by leave, withdrawn.

Thakur Giriraj Singh: I beg to move that under sub-head Secondary education—B. Grants to secondary schools, a reduction of Rs.1 be made.

I wish to bring to the notice of higher authorities a grievance of a particular school, namely the Shri Krishna High School. Only a few minutes ago when I spoke on the motion moved by Rai Bahadur Babu Jagadeva Roy, the reply given by the Director of Public Instruction was something to the following effect that Government are not in favour of opening new high schools, but that they were in favour of helping existing institutions. The present moment therefore appears to me to be a suitable one when I expect to hear a favourable reply from the Government. The school about which I am speaking was started twenty years ago by a lawyer named Babu Mahabir Prasad, who is now dead. It was then up to VI or VII standard, or in other words it was a school which used to feed the Wesley Mission High School, which teaches up to X Class and which is the best school in the district. The number of students in that school is 500. The Shri Krishna Pathshala has been so unfortunate that in spite of the heavy expenditure incurred on it by its Managing Committee, it did not succeed in getting a grant-in-aid prior to 1929. Whenever the Manager submitted an application to the Inspector of Schools for a grant-in-aid, not even a paltry sum was granted to it. Anyhow some members of the Managing Committee waited on the then Minister of Education, I mean the immediate predecessor of the present Minister of Education at Naini Tal who was kind enough to give a grant of Rs.50 only per mensem to the Pathshala. Sir, the monthly expenditure of that institution at that time was not less than Rs.350 per month. Afterwards, the institution was given a grant-in-aid of Rs.50 only. We pressed for a higher grant-in-aid next year, and the result was that it was increased to Rs.150. Last year through the generosity of the Director of Public Instruction and also through the kindness of the Inspector of Schools the Pathshala was raised to the status of a High School, and now the institution is getting a grant-in-aid of Rs. 200 per month only, which is very meagre. My submission, Sir, is that, as far as I am aware, in giving a grant-in-aid to any institution two things are taken into consideration. The first is whether the management of the institution has spent anything over building or not. Another thing which is taken into consideration is what amount of expenditure is made over the staff. I assure this House, Sir, that when I began my practice as a lawyer in Azamgarh I was in one way in charge of that institution. There was no building at that time. The school was in a rented house. But through the generosity of the people of Azamgarh and outside now we have got 10 pakka rooms. In other words the management of that institution have

spent about 12 thousand rupees over that building. Now the staff is also efficient. There are six trained teachers, there are two B.A. L.T.s and three C.T.s, and the management will, I think, increase the number of trained teachers in future. At present there is only one untrained teacher in my institution. I presume that a reply may be given by the honourable Director of Public Instruction that there is scarcity of funds. But, Sir, this year we see that more money has been budgeted for under the head "Education", and I therefore expect that this institution will get more as grant-in-aid from the next financial year, not because of any special favour to that institution or because I speak in its favour, but because the institution deserves it. It will not be out of place to mention here that this small aid which Sri Krishna High School gets is not due to any lack of money, but that it is due to an unequal distribution of grants-in-aid which is done by the authorities. I hope the authorities will excuse me for this. I do not want to name the institution in my district which gets more than what my institution gets, as I do not wish to injure it. That school which is a Middle school used to get Rs.50 more than the institution of which I am the Manager, and which has been raised to the High School. These are the points which I want to bring before the House, and I hope the Hon'ble the Minister for Education and also the Director of Public Instruction will take special care of this high school and give an increased grant from the next financial year.

***Rai Bahadur Thakur Hanuman Singh :** Sir, I wish to speak on the motion which has just been placed before the House by my friend, Thakur Giriraj Singh, with a view to ventilate the general complaint of the committees of management of aided schools. I am told that the Department of Education has framed such rules as are curtailing the liberty of action of the managers and the committees. A teacher, who is employed by any committee, has to execute an agreement and the committee too has to execute an agreement with the teacher. These agreements very often have the effect of making the teachers so bold as to disregard the committees or the managers. I think the Government will see that undue interference is not made by the Inspectors of Schools in the management of aided schools. The committee should be left to exercise its powers. It should only be checked when the Inspector of Schools or the Director of Public Instruction may find that the committee is mismanaging the institute, and they can very well with tact exercise the check by withholding the grant. In day to day work it is not advisable that there should be interference from the Department of Education. Under the agreement which the committee makes with the headmaster, the headmaster is given the power of appointing or dismissing his own clerk. Has the headmaster of a Government school been given the power of dismissal and appointment of the clerk of his school? I think not. Then why should the headmaster of an aided school be given that power, when the clerk is also the clerk of the committee. Then if the committee finds that a certain teacher should not be retained in the school, that his services should be dispensed with, the committee has to give one month's notice. To give one month's notice for discharge is very unsatisfactory, because that teacher then begins to play

[*Rai Bahadur Thakur Hanuman Singh]

mischief. No doubt he is entitled to one month's pay and that should be given to him at the time of discharge, but it should not be necessary that the teacher should be given one month's notice and he should be allowed to work. The discharge should be from the date from which the committee decides to dispense with the teacher's services. Trivial interferences in the management of the school by the Inspector has a great demoralising effect and weakens the power of the committee of management and its influence over the staff of the school. This is a direction in which I hope the Director of Public Instruction and the Hon'ble the Minister will give their best attention and remove the legitimate grievances of the managing committee.

Mr. A. H. Mackenzie : The honourable mover of this resolution has placed me in a somewhat difficult position. Obviously it is not possible for me to have details in my head of every school in the province. If I say to him that all his wishes will be carried out he will appear to be exerting undue influence on me. On the other hand if I say that I cannot carry out his wishes and he refers the matter to the House for their decision, I do not think that they are in a position to help him either, because I am sure not one other member in the House knows anything about this particular school. All I can say, and I hope that this will satisfy the honourable member, is that I recognize his earnestness in the matter, I recognize his anxiety about this particular school, and that if he will send me particulars about it stating his requests or come to see me informally and discuss the question with me, I shall see that this school will get all the assistance it deserves as far as funds are available. I do not think I can go beyond that today. Rai Bahadur Thakur Hanuman Singh has referred to the question of agreements with teachers in aided schools. He has deprecated interference by the Education Department in the management of schools. The object of the Education Department in drawing up these agreements was to endeavour to create a self-respecting body of teachers in our aided institutions. The agreement was drawn up by the Department in consultation with managers of schools and as far as I am aware no objection has been taken to the terms of the agreement. What is much worse I think than interference of the department with managing bodies—and I deny that this interference is undue interference or excessive interference, what is worse than that interference is interference by managers of schools with the internal administration of the schools. I think it is essential for the good of the schools that headmasters and teachers should have a certain amount of authority and responsibility within their own domain, and nothing the Rai Bahadur has said has convinced me that the power which the agreement gives to headmasters or the protection that it gives to teachers is in any way excessive.

Rai Bahadur Thakur Hanuman Singh : May I ask one question ?

The Hon'ble the President : Yes.

***Rai Bahadur Thakur Hanuman Singh :** May I know from the Director of Public Instruction whether headmasters of Government high schools have power to dismiss their clerks ?

Mr. A. H. Mackenzie : No they have not.

***Rai Bahadur Thakur Hanuman Singh :** Then why has this power been given to the headmasters of aided schools.

Mr. A. H. Mackenzie : I am not prepared to argue the matter here with the honourable member in regard to this particular detail. I question whether he is correct. I think the power that the headmasters of aided schools have is power to appoint and dismiss menials.

The motion was, by leave, withdrawn.

Khan Bahadur Hafiz Hidayat Husain : I beg to move that under sub-head "Secondary Education—B—Grants to secondary schools—Total, B," a reduction of Rs.10 be made.

My object in bringing this motion is to draw the attention of the Government and the House to the fact that grants to secondary education are granted not according to the flexible needs and requirements of a particular place or a particular locality but according to the rules that have been framed by the Education Department and incorporated in the Educational Code. The rigidity of these rules is notorious. Education, Sir, is a transferred subject and I think that all that determines the educational activities of the Province must have the consent of the Council and that nothing should be done in matters governing the principles which is not in direct conformity with the wishes of the public at large as reflected in the Council. It must be recognized that there are communities and communities. There are localities and localities. There are poor communities and there are rich communities. Rich communities and poor communities cannot be treated alike in matters of educational grants. The Muslim community is a poor community and if it be expected from that community that it would raise several thousands before a school could be established, then schemes affecting the educational activities of the community are bound to fail. This refers not only to my community but to several communities; for instance, the Thakur community, the Kayasth community, the depressed classes, etc. The result of the rules is that schemes which have been incubated for promoting education have been held in abeyance simply for want of funds. There are, what I submit to the Hon ble the Minister is that when the next revision of the Educational Code is undertaken he will place before the House all those matters which affect the future well-being of our educational activities and that the consent of the House shall be taken. I understand that the Educational Code is going to be revised shortly. But if it is not so, then whenever it is revised, and even before that, rules relating to grants particularly should be revised with the consent of the House. I wish particularly to emphasize on the rules relating to grants which should be brought into conformity with the local requirements of a particular community and of a particular locality.

Mr. A. H. Mackenzie : Mr. President, I do not think my honourable friend gives sufficient credit to the Education Department. It is a credit which they deserve, for they do not interpret their grants-in-aid rules rigidly: they do not interpret them in such a way as to deny benefit to those who need special concessions. The following

[Mr. A. H. Mackenzie]

facts may show the honourable member that his own community has no grievance in the matter. I have got here statements showing the amount of grant-in-aid to secondary schools for the year 1931-2. The recurring grant-in-aid for the education of 7,000 boys in Muslim Anglo-Vernacular schools was Rs.2,15,000 as against Rs.1,99,000 for 7,000 boys of other communities in schools of corresponding size. In 1930-1 we gave Rs.42,000 as a non-recurring grant to Muslim institutions as against Rs.98,000 to Hindu institutions. I have got here a list of Muslim secondary schools in the United Provinces. If the honourable member will mention any one Muslim school—any school he likes—in any part of the Province, I will tell him how that school is treated as compared with a Hindu school of corresponding size. Let me take his own town of Cawnpore. The Halim Muslim High School—pupils 414 and grant-in-aid Rs.12,700; corresponding to that school we have the Kali Charan School, Lucknow—416 pupils; grant-in-aid Rs.11,000. I can go right through every Muslim school in the province in that way and show to the honourable member in this matter he really has no grievance whatsoever. I am prepared to give him facts and figures about every Muslim school in the United Provinces, I think it is hardly fair to the Education Department that, when they have been stretching the rules for the benefit of communities that cannot afford, what other communities can afford the suggestion should still be made that we are applying our grant-in-aid rules too rigidly.

Khan Bahadur Hafiz Hidayat Husain : Sir, Mr. Mackenzie is an adept debator and knows from which quarter sympathy to expect. He has drawn comparison between the Muslim High School, Cawnpore and Kali Charan High School, Lucknow. This has nothing whatsoever to do with the subject. I refuse to be drawn into invidious comparisons. My whole point was that the rules relating to grants should be revised so that they may in future be given on local conditions and local needs of a particular place or a particular community. That is all that I want and nothing more. He has, however, referred to the Muslim High School at Cawnpore as an example of generous treatment. May I remind him that four years ago Rs.15,000 were allotted to the Muslim High School, Cawnpore, for the purpose of building a boundary wall but that has not been paid up till now? I can multiply instances of that sort, but I have no mind to do so at present. All that I want is that in the matter of grants rules should be revised in a way in which I have suggested. I hope the Government would be prepared to listen and with these words I ask permission of the House to withdraw my motion.

The motion was, by leave, withdrawn.

Shaikh Muhammad Habibullah : Sir, while opposing the motion of my friend Khan Bahadur Hafiz Hidayat Husain Sahib . . .

The Hon'ble the President : Will the honourable member move his motion first?

Shaikh Muhammad Habibullah : Sir, I beg your pardon. I beg to move that under sub-head "A—University education," a deduction of Re.1 be made. Sir, during the discussion yesterday I think the House expressed its unanimous desire about the University education that it

should be specialized and that we should not attempt for numbers as they lead to unemployment. We should encourage that part of scientific education which will rather reduce the unemployment and improve higher education. In the Universities of Allahabad and Lucknow there is a branch of specialized science which is taught only in the Lucknow University. That science is the medical science. The Lucknow Medical College is the only institution teaching this science in the United Provinces and I think the Province should be proud of it because it has produced really very good students. The House will be pleased to hear that the students of this institution, when they go to England, get the F.R.C.S. in the very first attempt which is not a mean asset. A lot of our students are elected for the Indian Medical Service and the Provincial Medical Service.

Coming to the financial position of the institution, I may say that

The Hon'ble the President: The honourable member has tabled this cut under the whole of University education.

Shaikh Muhammad Habibullah: Yes, Sir. I take the Medical branch of it and I shall discuss it. It is very important because this Faculty is to be found nowhere in the United Provinces.

The Hon'ble the President: Why did the honourable member not table a cut under the Lucknow University in that case? The honourable member should remember that the House has given him special permission to make this motion as a special concession and this motion should have been tabled under Lucknow University. There are so many other heads of education to be discussed. I quite realize the importance of the subject; I do not minimize that at all. But for "medical" we shall be nowhere perhaps in this world. I have no desire to stifle the honourable member's speech, but I should like him to be brief.

Shaikh Muhammad Habibullah: I shall be very brief, Sir.

Now, Sir, the modern need in the line of medicine is dental surgery. There is no arrangement for it in any of the medical institutions in this country. In Lahore they have just prepared a scheme for training in dental surgery and so have we, but there is no money. I would draw the attention of the House to the fact that as soon as possible this part of medical studies, viz. Dental Surgery, should at once be started because it is really the most necessary part of the Faculty of Medicine, at the moment.

Another point is that we have just established the Queen Mary's Hospital. I am not going to talk of it but we have got in our University only a part-time professor of Midwifery. We cannot, in the altered circumstances, now go on with this part-time professor who is the Civil Surgeon of Lucknow and who once or twice a week, after the day's hard work just goes and spends a little time lecturing in surgery. This is a very very unsatisfactory state of affairs and I hope the Government will be in a position to provide sufficient funds for the Medical College to enable us to have a full-time professor of midwifery.

[Shaikh Muhammad Habibullah]

Then there was so much discussion about research work. If research work is really needed and is useful, it is in the line of medical science. We have got very able people to carry on research work and they are doing this work, but on account of the heavy duties and on account of there being nobody who can co-ordinate their work, the research work is not going on as satisfactorily as it should. What we want, Sir, is a full-time research officer, who will not be allowed to practise and who will give his wholetime to the work and who will try to co-ordinate the work of the other men who are doing research work. I have, therefore, put before this House one of the very pressing needs of the Faculty of Medicine. I was very glad to hear from the Hon'ble Minister that when he visited Allahabad he visited the University and found that the Physics Department was badly in need of a building and equipment and that the Hon'ble Minister made a promise that he would do his best to secure a grant for the purpose. If it suits the Hon'ble Minister and the Head of the Department of Education, they can go to the Medical College, which is not far from here, and see things for themselves and I am sure they will be convinced of the need which I have put before this House.

The Hon'ble the President : I think the honourable member had better take them there during the interval. We had better now adjourn for lunch.

The Council was adjourned for lunch at 1.30 p.m.

After recess the House re-assembled at 2.15 p.m., with the Deputy President in the Chair.

Shaikh Muhammad Habibullah : Sir, I cannot too strongly emphasize on the need of the development in the Medical College which is the only college of its kind in the United Provinces, and which when made over to the University by the Government was in many respects very poorly developed. In fact there are many other pressing needs so far as medical studies go, but I have only picked up what I thought to be—I think the members of this House will agree with me—the most pressing needs of the moment, and these are, as I have said before, arrangements for the teaching of dental surgery, which of late has been monopolized by America. Perhaps this subject is taught nowhere else in India.

The Deputy President : I think the honourable member has already spoken about this point.

Shaikh Muhammad Habibullah : I am mentioning the same point again, Sir, in order to lay emphasis on it. I hope that this part of my request will be given a most serious consideration.

I have also pressed for a research officer. Research is the chief thing in the medical line. It is a progressive science and it is only through research that we can attain anything like a high level of efficiency. We have got very very capable men in various lines of medicine, but we want a full-time man who will not practice and thus would be able to co-ordinate research work in order to bring about good results by devoting his whole time to this work.

The third point, which I have already said but again want to emphasize, is the wholetime professorship of midwifery. As we

have now established the Queen Mary's Hospital which is a maternity ward of the Medical College, we need the services of an eminent man to teach this branch of science. The present arrangements are inadequate. The present professor of midwifery is only a part-time officer and he cannot devote his full time to this. I hope my request will commend itself to the Government and to the members of this House favourably. Of these three things that I have pressed for, the present need of the moment lies in the lectureship in Dental Surgery.

Mr A. H. Mackenzie : Mr. Deputy President, I am rather out of my depth in dealing with the subjects to which the honourable mover has referred, but I know a little about the request for a professorship in midwifery. That request was submitted by the University of Lucknow some time ago and the view taken by the Inspector General of Civil Hospitals was that there is not at present a need for this professorship, especially as students have still to go to Madras for training. But when the experts of the Medical College show that there is a need for this professorship, Government of course will do what they can to provide the funds for it.

As regards the lectureship in dental surgery, this is the first time I have heard of it. This request has not yet come formally from the University to the Government, but when it does come it will receive very careful consideration.

Mr. Brijnandan Lal : The proposal of Shaikh Habibullah is a very useful one. A teacher in Dental Surgery is as necessary if not more as a teacher in Ophthalmology and I think it is really a pity that none of the old members of the Council have supported it and has been left to a young member like myself to do this, it is only three months ago that the officiating leader of our party got artificial teeth—we younger men only need cleaning I am sorry the proposal has not found favour with the Government.

Mr. A. H. Mackenzie : I rise if I may to correct the honourable member. I did not say that the proposal did not find favour with the Government. The proposal I said had not been received by the Government from the University.

Mr Brijnandan Lal : I am glad the honourable Director of Public Instruction will support the proposal when it comes formally from the University. Liberality is not generally associated with the Scotch. He in fact patted a member on the back who supported a proposal which meant less expenditure for Government, and compared us to a hornet's nest when we criticised that member. He said the honourable member could ignore the attack made on him. Well I do not object to the patting on the back. I myself am all praise for Mr. Pande but I do not think this advice should be followed by the Government. The non-official members may afford to ignore the attacks, but Government members and the Director of Public Instruction cannot afford to ignore the attacks and criticism of non-official members because it is really on our vote that Government depends so far as the transferred departments are concerned. However I am glad that the Director of Public Instruction

[Mr. Brijnandan Lal]

has shown liberality and promised to support the proposal when it comes from the University. I hope the Council will attach sufficient importance to this question of dental surgery.

Shaikh Muhammad Habibullah: I am not surprised if the honourable Director of Public Instruction found himself out of depth because his representative during his absence, his successor in office, Mr. Harrop, who was appointed to go and examine the accounts of the University while tackling the problems of the accounts of the Medical College confessed that he could not express any views on the expenditure of the Medical College because of his ignorance of medical subjects, and I think if the honourable Mr. Mackenzie as he says is out of depth, I think it is time that Government deputed some capable officer, a medical officer, one who is capable of dealing with the subjects taught in Medical Colleges, to report on the financial needs of the Medical College.

Mr. A. H. Mackenzie: I have already said that Government took the advice of the Chief Medical Officer in the Province, the Inspector General of Civil Hospitals.

Shaikh Muhammad Habibullah: Not about accounts.

Mr. A. H. Mackenzie: No, about the professorship.

Shaikh Muhammad Habibullah: I am talking about the accounts. Now, Sir, it is said that the professor of midwifery—that no provision was made for him because students used to go to Madras for training. This is no longer the case. This Queen Mary's Hospital has been established only to meet that requirement.

Mr. A. H. Mackenzie: Some students still go to Madras.

Shaikh Muhammad Habibullah: Because this is the first year of the establishment of the Queen Mary's Hospital, and there are not many cases yet, therefore they have to go. But it is time that we should have a professor of midwifery that he may be able to teach practical and theoretical science to the students. I am surprised Sir, that the honourable Director of Public Instruction has taken no notice regarding the research officer. Everybody in this House has urged that in the University we require a research officer, and it is research which is more wanted in the medical science than anything. It is a science which is progressing from day to day. The reason why it is progressing is because it is considered very important in places outside India. We in India are very poor, but if we have the staff they can do the work. I know the honourable Director of Public Instruction favours my suggestion and has all sympathy for me, so I am not going to press my motion to a division.

The motion was, by leave, withdrawn.

Thakur Giriraj Singh: I beg to move that under sub-head Primary education—A.—Government Schools (Girls) a reduction of Re.1 be made.

Sir, from the quinquennium report ending 31st March, 1932, it is clear that the demand for education of girls has gone up by leaps and bounds. There was a time when people thought that as they were not going to send their girls in service they gave them only very ordinary education. Now, Sir, the public opinion has changed,

and most of the people with a few exceptions are of opinion that the more education is given to these girls the better it will be for the men, and this is my reason for wanting to open more girls' schools. Formerly they were not required. If one looks at page 71 of the report one will find that the number of girls has gone up, and that the total number of girls is 105,860, in addition to this, the other girls, who receive education in boys' schools are 57,000. In higher class of Hindus and Muhammadans purdah is observed. So if the Government really want that education should be given to these girls, proper arrangements should be made for conveyances for bringing them to schools. Last year also I pointed out that in my own district in the case of Azamgarh Girls' School, there was a bad arrangement for taking the girls to the school. No notice was taken of the objection which I raised last year during the Budget session. Two or three years ago this girls' school was in the heart of the city. I do not understand why it has been shifted now to a place near the police lines. Everybody knows that it is not in the interests of the public that the locality of the girls' school, where girls of the higher classes go, should be near a place where police constables live. But if the Government have shifted the school to that place because of epidemic diseases that generally occur in some of the eastern districts, especially in my district let that school remain there but better arrangements can easily be made for conveyances for conveying girls to the school. The complaint with regard to this arrangement should be removed at once. Some of these girls walk on the road, but the majority of them sit in the carts drawn by men; and it seems to me that they are sitting as if they are suffocated. I think it is better if at least one more cart is supplied to this girls' school. That will solve the difficulty at present. If we look to the report to which I referred we will find in it "that the school staff has been strengthened and the expenditure on conveyances has increased." From this it is clear that the expenditure on conveyances has increased, but it has not increased at least in that district or in that place about which I spoke last year, i.e. the Azamgarh District.

These are the things that I wanted to mention in this connexion.

Thakur Balwant Singh Gahlot : Sir, in one of his speeches the honourable the Director of Public Instruction remarked that improvement in girls' education was the first necessity; but I must say, having regard to the experience of my district, that it is only in saying that they have the best interests of girls' education in view. Our Board has been repeatedly asking Government for Government contribution towards the improvement of girls' education with this condition that the Board is willing to spend as much as the Government grant. But the reply that is always given is that there are no funds at the disposal of Government. The result is that some of the schools are to be closed and the pay of the mistresses has been reduced to a very considerable extent. And if the Government does not soon come to the help of the Board many board schools might have to be closed. I would like the Director of Public Instruction to give sympathetic consideration to this question.

Mr. A. H. Mackenzie : Mr. Deputy President, both the speakers on this resolution have referred to particular cases. One of the

[Mr. A. H. Mackenzie.]

disadvantages of the procedure in connection with our Budget demands is that we do not receive notice as to the precise object of the cut. Honourable members are very good in informally giving the department information; but in regard to this particular cut I have had no information about these special requests. All I can say is that I shall sympathetically examine the requests made by both the honourable members.

Thakur Giriraj Singh: In view of the assurance given by the Director of Public Instruction, I beg leave to withdraw the motion.

The motion was, by leave, withdrawn.

Khan Sahib Muhammad Imtiaz Ahmad :

خان صاحب شیخ محمد امتیاز احمد —

جناب صدر —

میں پرائمری ایجوکیشن سب ہیڈ A میں ایک رزیڈنٹ کٹ کرنے کی تحریک کرتا ہوں *

مسلم مڈل اسکول پیلی بھیت بہ مشورہ محکمہ تعلیمات جون سنہ ۱۹۳۱ء میں قائم ہوا ہے جس کی ضرورت کو گورنمنٹ نے محسوس کیا ہے مشورے کا موقع اس طرح پڑ ہوا کہ پیلی بھیت میں مسلم ہوسٹل قائم کرنے کے لیئے دس ہزار رزیڈنٹ اکٹھا کیا گیا اور اس کی امداد کے لیئے گورنمنٹ سے درخواست کی گئی گورنمنٹ نے یہ مشورہ دیا کہ بجائے اس کے کہ ایک ہوسٹل کھولا جائے پیلی بھیت شہر میں جہاں سے ہائی اسکول دور ہے ایک انگریزی مڈل اسکول قائم کر دیا جائے چنانچہ اس مشورے کے مطابق پیلی بھیت شہر میں جون سنہ ۱۹۳۱ء میں یہہ اسکول کھول دیا گیا اور اُس کے لیئے گورنمنٹ ہی سے ایک بلڈنگ بھی خرید لی گئی اور فرنیچر وغیرہ تیار کرالیا گیا *

Mr. A. H. Mackenzie: I beg to rise to a point of order. I am afraid the honourable member is moving a cut under a wrong head. He appears to me to be referring to some middle English school in Pilbhit, which comes under Secondary Education.

The Deputy President :

اعتراض کیا گیا ہے کہ یہہ سیکنڈری ایجوکیشن کے تحت میں آنا چاہیئے تھا - یہاں صرف پرائمری ایجوکیشن کے متعلق آپ کہہ سکتے ہیں -

Khan Sahib Shaikh Muhammad Imtiaz Ahmad :

بہت اچھا - میں پرائمری کے متعلق ایک دوسرا پونٹ عرض کرتا ہوں - اب تک طریقہ یہہ تھا کہ پرائمری ایجوکیشن کے درجہ چہارم کا امتحان ڈپٹی انسپیکٹر یا اسسٹنٹ ڈپٹی انسپیکٹر لیا کرتے تھے - یہہ طریقہ سنہ ۱۹۲۶ء تک جاری رہا لیکن سنہ ۱۹۲۷ء میں اُس طریقہ کو اس طرح سے تبدیل کر دیا گیا کہ ہیڈ ماسٹر چوتھے درجہ کا امتحان خود لے لیا کریں اور خود طلباء کو ترقی دیدیا کریں چنانچہ اُس کا نتیجہ یہہ ہوا ہے کہ ہیڈ مدرسین پرائمری اسکول اپنی کارگزاری دکھانے کے لیئے تمام طلباء کو خواہ قابل ہوں یا نا قابل ترقی دیکر مڈل اسکول میں

بہیج دیتے ہیں اور اُن کے لیئے کوئی جانچ کا طریقہ ایسا نہیں ہے کہ وہ جس وقت داخل ہوں اُن کی جانچ کر لی جائے بلکہ ہوتا یہ ہے کہ محض سرٹیفیکیٹ دیکھ کر داخل کرائے جاتے ہیں۔ ڈپٹی انسپیکٹر و سب ڈپٹی انسپیکٹر اُن کے لیئے یہہ آرڈر ہے کہ وہ صرف ۵۰ فیصدی کی جانچ کر لیا کریں۔ چنانچہ جانچ ناکافی ہونے کی وجہ سے نتیجہ یہہ ہوتا ہے کہ پانچویں درجہ کے طلباء اکثر قبول ہو جاتے ہیں جس کا خمیازہ اُس درجہ کے ٹیچر اُن کو ہیٹھ پڑتا ہے اور جو ناقابل لڑکے وہاں پہنچ جاتے ہیں وہ آگے ترقی نہیں کر سکتے اور تعلیم سے محروم ہو جاتے ہیں۔ اور مدرسین کے تدارک کی نوبت آتی ہے۔ چنانچہ مجھے یہہ عرض کرنا ہے کہ جس طرح میڈل اسکول میں پانچویں اور چھٹے درجہ کے امتحانات مدرسین لے لیتے ہیں لیکن ساتواں درجہ یونیورسٹی سے تعلق رکھتا ہے و نیز ہائی اسکول میں نیچے کے درجہ کے امتحانات ٹیچرس و ہیڈ ماسٹر لیتے ہیں لیکن دسویں درجہ کا امتحان یونیورسٹی سے تعلق رکھتا ہے یہی صورت پرائمری اسکول میں ہونا چاہیئے جیسا کہ سنہ ۱۹۲۶ء تک ہوتا رہا ہے کہ چوتھے درجہ کا امتحان اُن کے اختیار میں نہیں تھا بلکہ مثل سابق کے ڈپٹی انسپیکٹر اُن و سب ڈپٹی انسپیکٹر اُن لیا کریں۔ یہہ مدرسین و طلباء دونوں کے لیئے اچھا ہوگا *

Thakur Balwant Singh Gahlot: I entirely support the honourable mover in his view that education in primary schools is going down, with the natural result that education in vernacular middle schools also is suffering. The reason why that is so is, as stated by the honourable mover, that teachers of primary schools are allowed to examine their boys in the IV class, and their natural desire is to pass as many students as possible, in order to obtain for their school credit in the eyes of the Education Department. Only recently a change has been made in the rules, the effect of which is that a student when seeking admission to class V should be examined by the headmaster of the middle school before admission. The result of this practice is that only a few boys succeed in getting admission to the middle school, while most are rejected as deficient in studies. Those who cannot get admission into a middle school go about and do nothing. If they study privately, they cannot devote the necessary attention to their studies, as they are all of an age when they wish to play, and, moreover, in the villages it is impossible to study privately as there are no teachers to teach them. In these circumstances I am inclined to think that the best arrangement would be to revert to the old system of examination, by which more centres may be fixed for the holding of examinations of boys of primary schools, and the examination be conducted under the strict supervision of the Sub-deputy Inspector or the Deputy Inspector of Schools. The result in that case would be that there would be better teaching in primary schools. The head teachers of primary schools will then feel the responsibility of giving the proper type of education, so that the results may be well and good; otherwise they will have to account for it. Under the present system the primary education and the vernacular education, if they continue to be conducted as at present, will, I think, bring bad results.

Rai Bahadur Kunwar Surendra Pratap Sahi : Sir, I move for a closure of the debate.

*** Rai Bahadur Thakur Hanuman Singh :** Sir, this grievance is universal and it was brought to the notice of the Hon'ble the Minister for Education and the Hon'ble Director of Public Instruction last year by me. I am glad to find that the grievance exists not only in the places of which I have knowledge but also throughout the length and breadth of the Province. It is a grievance which should be remedied by the Department of Education. No doubt the head masters of the upper primary schools grant certificates even to those who are not fit to be passed with a view to show to their department that their work during the year has been good. Last year I had suggested, Sir, that headmasters of middle schools should be sent to examine the boys of the upper primary classes and that they should be paid some daily allowance and travelling expenses. This will bring about efficiency and will make the headmasters and other teachers of the upper primary schools to pay more attention to the tuition of their boys than what they are doing at present. At present they think that the passing and failure of the students lie in their hands. So they are not afraid of punishment by the department or the District Board for their bad work. This needs remedying.

Mr. A. H. Mackenzie : Mr. Deputy President, I may briefly explain to the House what is the system which the honourable members have been criticizing. Up to a few years ago the primary examination in every primary school was conducted by the district inspecting staff, but on account of the growth in number of candidates it was found necessary to gather the candidates at centres. That system, too, broke down, because it was entailing too great a hardship on boys, many of whom were 10 or 11 years old, to leave their homes and travel considerable distances to be examined. The whole system, therefore, broke down by sheer weight of numbers. It is not possible to revert to the system under which the pupils would be examined by the district inspecting staff, because the number of candidates is too large. Therefore the department devised the present system which is as follows. The headmaster of each school, which is not a single-teacher school, examines his own students. If they are thought worthy of a fourth class certificate, they are given that certificate; but there are certain checks. The district inspecting staff go round the schools. They look into the standard of examination adopted by the headmaster. If they think that he has been too lenient, then that school is removed from the list of schools which have the privilege of being examined by the headmaster. A further check is through the headmasters of middle schools, who get students from these primary schools. If they find that they are not up to the required standard for admission to class V the matter is reported to the inspecting staff, who then remove the school against which complaints of leniency have been made, if they agree with the headmaster of the middle school.

*** Rai Bahadur Thakur Hanuman Singh :** What about the fate of the students who are not admitted? They cannot go on.

Mr. A. H. Mackenzie : All students are examined by the headmasters themselves, except in schools which, for sufficient reasons, are

not given this privilege. This system, the department recognizes, is not by any means a satisfactory system. I should be very glad if honourable members would tell us what would be a better system. It is said that headmasters do not exercise their responsibility properly. That is true in a certain number of, perhaps in many, cases, but it is not universally true. Headmasters are developing a sense of responsibility. Indeed it is as true in the small affairs of primary education as it is true in the big affairs of politics that the exercise of responsibility develops those very qualities which are required for its exercise. That is the text on which honourable members will make very eloquent speeches when they are talking about their own responsibilities. I wish them to apply the same principle to the humble schoolmaster. How are we to develop a sense of responsibility amongst the headmasters unless we give them some responsibility? It seems to me that I should be on the other side of the House and some bureaucrat on that side should be here, accepting the recommendation made by the honourable mover. But I am not a bureaucrat. I have certain principles which, I think, should be applied universally to all people who we think should have some responsibility to discharge. I am not despondent; I am not elated; I do not think our system has been an unqualified success. I do not think it has been an unqualified failure—say let us have a little patience in this matter as in bigger things.

Khan Sahib Shaikh Muhammad Imtiaz Ahmad.

(خان صاحب شیخ محمد امتیاز احمد)

جناب صدر —

میں یہ عرض کروں گا کہ یہ خیال نہیں کرنا چاہیئے کہ چھوٹے بچوں کو سینٹر (centre) میں جانے میں دقت ہوگی چونکہ بقول ڈائریکٹر صاحب آج کل اسکولوں کی تعداد بہت زیادہ ہے اور لڑکوں کو دور جانے کی ضرورت نہ ہوگی کیونکہ بغیر پرانا طریقہ جاری کیئے لڑکوں کی حالت درست نہ ہوگی۔ اس سلسلہ میں میں انتخاب معائنہ جناب قاضی نصیر الدین صاحب اسسٹنٹ انسپیکٹر مدارس روہیلکھنڈ ڈویژن پیش کرتا ہوں۔ وہ کہتے ہیں۔ ”دیگر ہیڈ ماسٹر صاحبان کی طرح اُن ہیڈ ماسٹر صاحب نے بھی درجہ پنجم میں داخل ہونے والے لڑکوں کا امتحان داخلہ نہیں لیا اور اس وجہ سے باوجود مدرسین کی ایماندارانہ کوشش و محنت کے ایک درجن لڑکے ایسے ہیں جو درجہ کے ساتھ نہیں چل رہے ہیں۔“ یہ صورت ہی مدرسین کے امتحان لینے کی جس سے ظاہر ہوتا ہے کہ وہ ناقابل لڑکوں کو ترقی دے دیتے ہیں۔ چنانچہ میہی گزارش ہے کہ جو طریقہ پہلے رائج تھا وہ پھر جاری فرمایا جاوے۔ یا تو سینٹر (centre) قائم کر دیئے جاویں کہ ڈپٹی انسپیکٹران و سب ڈپٹی انسپیکٹران وہاں جا کر امتحان لے لیا کریں اور پرائمری اسکولوں کے ہیڈ مدرسین امتحان نہ لیں *

The Deputy President, تو آپ کا مقصد اس روشن سے کیا ہے ؟

— خالص صاحب شيخ محمد امتياز احمد —

Khan Sahib Shaikh Muhammad Imtiaz Ahmad :

میرا مقصد یہ ہے کہ درجہ چہارم کا امتحان مدرسین نہ لیا کریں۔ بلکہ
ذاتی انسپیکٹر و سب ذاتی انسپیکٹر لیا کریں۔ سینٹر (Centre) قائم کیئے
جاسکتے ہیں۔ ۳ - ۴ میل بچے بہت آسانی سے چل سکتے ہیں *

The Deputy President : The issue, as stated by the honourable mover, is that the system of examination in primary schools be changed for the one that existed before. The question is that under sub-head A—Primary Education Grants to non-Government schools and Local Bodies—a deduction of Re.1 be made.

The question was put and negatived, the House having divided as follows :

Ayes 17

Abdul Bari, Khan Bahadur, Mr. Muham-
mad.
Balwant Singh Gahlot, Thakur.
Giriraj Singh, Thakur.
Hadiyar Khan, Khan Bahadur, Muham-
mad.
Hanuman Singh, Rai Bahadur, Thakur.
Imtiaz Ahmad, Khan Sahib, Muhammad.
Joti Prasad Upadhyaya, Pandit.
Maqsd Ali Khan, Khan Sahib, Muham-
mad.

Muneshwar Bakhsh Singh, Thakur.
Nazar Hussain, Shah.
Raghuraj Singh, Rai Bahadur, Chaudhri.
Rahmat Khan, Mr. Muhammad.
Rajeshwari Prasad, Rai Sahib.
Sadayatan Pande, Pandit Shri.
Surendra Pratap Sahi, Rai Bahadur,
Kunwar.
Vikramajit Singh, Rai Bahadur, Babu.
Zahid Ali Sabzposh, Khan Bahadur, Saiyid,

Noes 40

Abdul Hasan, Saiyid.
Ahmad Sa'id Khan, The Hon'ble Captain
Nawab Sir Muhammad.
Ahmad Shah, Mr. E.
Ain-ud-din, Khan Bahadur, Saiyid.
Anand Sarup, Rai Sahib Lala.
Arjuna Singh, Chaudhri.
Baldeva, Chaudhri.
Bennett, Mr. J. R. W.
Bharos, Chaudhri.
Bisheshwar Dayal Seth, Rai Bahadur,
Kunwar.
Blunt, The Hon'ble Mr. E. A. H.
Brahma Dutt, Pandit, alias Bhaiya Sahib.
Brijnandan Lal, Mr.
Olay, Mr. J. M.
Dar, Mr. S. S. L.
Dhirya Singh, Chaudhri.
Gajadhar Prasad, Babu.
Habibullah, Shaikh Muhammad.
Hari Kishan Mathur, Mr.

Hollins, Mr. S. T.
Jagbhan Singh, Kunwar.
Kharegat, Mr. P. M.
Kushal Pal Singh, Raja Bahadur
Lane, Mr. H. A.
Mackenzie, Mr. A. H.
Mason, Mr. P.
Medley, Mr. L. M.
Muhammad Ibrahim, Hafiz.
Muhammad Yusuf, The Hon'ble Nawab Sir,
Nutt, Col. H. R.
Rajeshwar Bali, Rai.
Ram Chandra, Chaudhri.
Ram Pal Singh, Thakur
Rama Charana, Rai Sahib, Babu.
Sathe, Mr. J. N. L.
Srivastava, The Hon'ble Mr. J. P.
Srivastava, Mrs. Kailash.
Suraj Din Bajpai, Rai Bahadur, Pandit.
Teyen, Mr. C. St. L.
Yusuf Ali, Syed.

Mr. Brijnandan Lal : I beg to move that under sub-head "Primary Education—Grants to non-Government schools (Girls)—a reduction of Rs.10 be made.

I wish to press the claim of the Arya Kanya Pathshala in my district. This school has got 216 girls and the expenses come to about Rs.2,600, although the Government gives a grant of Rs.600 only. The Government started giving a grant only in 1932. At first it gave Rs.300 and now it has been increased to Rs.600. The Pathshala has got a building of its own, for which Rs.5,000 was contributed by the Arya Samaj and Rs.5,000 by the public. The Government says that it is doing a lot for girls' education. Well, I have to test that claim-by

seeing the attitude of the Government towards this institution. I hope the Government will make it a point of granting at least half the expenses of such schools. It has not given a pie for the construction of the building. I hope it will give at least half of the expenses. That is about Rs.1,900 for other expenses and Rs.100 for conveyance.

Mr. A. H. Mackenzie: Sir, I hope that I shall be able to pass this test examination. It so happens that I have the papers regarding this particular school here. As my honourable friend said, two years ago the grant was Rs.300. Last year we doubled it and next year we shall treble it. I think that is going at a fairly rapid pace, geometrical progression. I do not think that he can find much fault with us in the support that we are giving to the school. I know that he has claimed more. He asks, I think, for . . .

Mr. Brijnandan Lal: Rupees1,400.

Mr. A. H. Mackenzie: Rupees1,400. Well, all I can say is that I will examine this case on its merits and I hope, that as time goes on, we shall be able to meet the honourable member's wishes.

Mr. Brijnandan Lal: All that I have to do now is to thank the Director of Public Instruction for promising Rs.900 at least. Something is better than nothing. And I am glad that he has promised to look into the question of further grant. Sir, I want permission to withdraw the motion.

The motion was, by leave, withdrawn.

Khan Bahadur Haji Muhammad Obaid-ur-Rahman Khan: I beg to move that under sub-head "Primary Education—B—Grants to Non-Government Schools and Local Bodies" a reduction of Rs.10 be made. My object in moving this token cut is to draw the attention of this Hon'ble House to a very important subject, namely compulsory primary education in rural areas. Honourable members know that the Act was passed in 1923. Some seven years have elapsed since this Act has been in operation. The latest report on public instruction, which was published on the 31st March, 1932, states on page 61 that the results are not satisfactory. At different places it is said that there have been defects. With your permission, Sir, I will quote a few passages from this report for the information of honourable members and the Director of Public Instruction. It says in the beginning, "The Act embodying this was passed in 1926 at the end of the last quinquennium", as I have already stated in my speech. In the second paragraph it says: "There are 48 district boards in the United Provinces and the schemes of 27 boards have been sanctioned, 19 in 1928-9, 5 in 1929-30, and 2 in 1930-1. Two of these have had to be cancelled as the boards were unable to contribute their share and one is being discontinued for the same reason in 1932-3. The other boards reported that they were unable to introduce the scheme for want of funds, but 17 out of the boards which have already introduced it have put forward schemes for extension schemes which are unfortunately held up for lack of money. The schemes already in force have committed Government to a recurring grant of Rs.3,84,525 and Rs.1,99,790 non-recurring for buildings and equipment". Then the report says "One inspector

[Khan Bahadur Haji Muhammad Obaid-ur-Rahman Khan]

says: 'boards selected inexperienced, incompetent men, sometimes relatives of influential members.' Further, there is the complaint of lack of interest by the school committees". Then, Sir, on page 64 it is said: "Many of the older boys made no progress, but remained for a year or two irregular in attendance and incapable of learning till by the mere efflux of time they were released from school on attaining the age of 11." I think it will suffice to say that the result had not been very satisfactory up to this time. Now if we look to the budget memorandum for the year 1933-4 we will find on page 28, paragraph 13 the following: "The provision for grants to district boards shows a decrease of 1,42,000 which is partly due to the abolition of compulsory primary education in the Farrukhabad District and partly to the postponement of new schemes of compulsory education in rural areas. The question is whether the Act which was passed in 1926 and which was considered very necessary—and the Hon'ble the Minister who was in charge at that time, was congratulated on the passage of that Bill—has proved a success or not. So far as one can judge from the report and from consulting those persons who have been interested in it, it appears that it has not been satisfactory. Only yesterday I had the honour of talking with an ex-Minister and what he said was that it has proved only as perfunctory, and he was the Minister who had taken a very keen interest in the extension of education in rural areas. Until and unless these students get some benefit from compulsory primary education, what is the use of their attending schools and sitting there idle and wasting their time and then coming out on account of their age without any benefit whatsoever. They do not prove to be good agriculturists; they do not prove to be better educated: they do not improve sanitation of their houses or the villages in which they live. Then, what is the use of wasting this money on this education. I am not against spending money on the extension of education in rural areas. I am at one with all those who want extension. What I want is that money must be spent properly and we must draw benefit from its expenditure. At this moment when there is financial stringency, whenever there is a demand and a genuine demand for money, it is said that the Government cannot help on account of financial stringency. But we find that the money which is spent is not spent properly in many cases and it is one of those examples and I think it is a glaring example. Therefore I want to draw the attention of this Hon'ble House as well as of the Education Department towards it, and I want to urge upon them that they should take such steps which may improve conditions and should adopt those measures which may benefit the rural areas properly.

Mr. A. H. Mackenzie: Mr. Deputy President. I think my honourable friend has taken rather a despondent view. It is true that this report from which he has read points to certain defects in the working of compulsory education in rural areas. The Director of Public Instruction is always very frank in his reports. He does not pretend that things are any better than they are and one reason why he refers pointedly to defects is to stimulate local authorities to do better than they have been doing in the past. My honourable friend read some of these criticisms. I think that, as I said, he was too

despondent when he drew from them the general inference that this scheme of compulsory education has been unsatisfactory. I myself would not use that adjective. I would say that the results have been hopeful. Let me draw the attention of the honourable members to an extract which my friend has not read. I say in this extract—

“It is interesting to compare the results with those for England when compulsory primary education was introduced. Ten years after it had been introduced there the average attendance was not more than 72 per cent. and that with much better machinery of compulsion than can be attained in these Provinces. In the Sitapur District of 4,752 in the infants class in all primary schools in 1925 37 per cent. had reached class III in 1932; this figure compares favourably with the results obtained in England where after 10 years only 36 per cent. had succeeded in reaching the final class.”

So that comparing the working of our system with the working of compulsory education even in England in its early stages we find that the results are promising. It is not a question altogether of money to improve results in the working of a scheme of this kind. Results very largely depend on the energy, the capacity and the public spirit of the local committees. These virtues, I believe, are being developed. There have been also some defects admittedly in the working of the scheme: for instance, there was a tendency in too many districts to choose very small areas instead of concentrating on a fairly large area. The result was that effort was dissipated. But boards are learning by these mistakes to improve the working of their compulsory education schemes. I do not think that we have done badly in introducing compulsion in more than 50 per cent. of the districts of the Province in some area or other and I think that when honourable members receive the reports regarding the spread of literacy in the Province, they will recognize that primary education in these provinces in recent years has had a permanent and most gratifying effect on the literacy of the people.

To sum up, I would say that I thank the honourable mover for bringing this matter to the notice of the House and the department. Anything that stimulates us to do better than we have been doing is helpful and we welcome his criticism because we know it is friendly criticism and anything we can do further to improve the working of the scheme we shall do.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan : Really it is gratifying to see that the department is trying to improve the condition, but what I wanted to impress on the Government was that there should be closer supervision and that they should be more vigilant in sanctioning areas in which compulsory education is to be introduced. Unless and until there is closer supervision and there is more vigilance, these local committees will not be able to work properly, because they are not yet trained, and wrong areas should not be selected so that there may not arise necessity of abolishing them in the end. It is true that in this report they have shown that it is working here better than it worked in England in its preliminary stage, but the Hon'ble Director of Public Instruction knows that

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there is vast difference in England and India. England can afford to waste some money, but India is so hard up that it cannot afford to waste any money and there should be as much caution as possible in spending it properly. I do not, however, want to press my motion.

The motion was, by leave, withdrawn.

Mr. E. Ahmad Shah : I beg to move that under sub-head "Primary Education—B—Grants to Local Bodies" a reduction of Re.1 be made. I want an explanation from the department for decreasing the grant to local bodies. From the figures given in the budget it will be found that there has been a decrease of Rs.1,42,000 in the grants to local bodies. In the explanation which is provided it is said that the provision for grants to district boards shows a decrease of Rs.1,42,000, which is partly due to the abolition of compulsory primary education in the Farrukhabad District and partly to the postponement of new schemes of compulsory education in rural areas in view of existing financial stringency. Sir, I beg to ask the Government why compulsory primary education has been abolished in that particular district.

Rai Bahadur Babu Vikramajit Singh : The honourable member is not at all audible.

Mr. E. Ahmad Shah : Is it that the district could not carry on the scheme for lack of funds, or is it due to the apathy of the board itself? If it is due to the former condition, we can understand the position, because money is tight at present and grants are not as liberal as they should be. If it is, however, due to the apathy of the district board concerned, then I would like to draw the attention of the Government to it and ask them that they should not allow abolition of compulsory primary education either in that district or in any other district of the Province for that reason. We have only been able to introduce the scheme of compulsory primary education in 37 districts and there are still a number of them where it has not yet been introduced for one excuse or another. If this sort of state is allowed to continue a situation may arise when the entire scheme may fail, which will be very undesirable. The whole House ought to move in the direction of seeing that compulsory primary education is given an impetus all round and it should not be allowed to drop anywhere. This is the only reason for which I have moved this token cut and I would like to hear what the department has to say on it.

Towards the close of the above speech the Hon'ble the President resumed the Chair at 3.27 p.m.

Mr. A. H. Mackenzie : Mr. President, the reason for the abolition of compulsory education in the Farrukhabad District is that the district board was unable to continue to find its share of the cost. The board got into financial difficulties and consequently asked permission of Government to cancel the scheme of compulsory education until it was in a position to find its share of the money required.

The motion was, by leave, withdrawn.

Thakur Muneshwar Bakhsh Singh : Sir, I beg to move that under sub-head Primary Education—B—Grants to non-Government schools and Local Bodies" a reduction of Re.1 be made.

Sir, the object of this motion is to impress upon the Government the fact that provision under this head is inadequate. We find that the actuals of the grant were Rs.77,63,515 in 1931-2, while in 1932-3 the budget was for Rs.75,05,485. Now it has fallen to a little over Rs.74,00,000. Sir, we all know that the masses are illiterate and it is very necessary to provide primary education for them. Taking this fact into consideration, it should be the duty of the Government to provide as much money as it can for improving primary education.

I will now refer to page 88 of the report of the department for the year 1932. It appears from that report in five years the district board contribution increased by 37 per cent., while there was an increase of only 7 per cent. in the contribution from provincial revenues. As we all know the budget of district boards is quite tight, as they have got to make provision for expenditure under different heads, for example, medical, roads, public health, and similar other work. They have provided for as much money as they could for primary education at the cost of other departments under their control. They cannot afford to provide any more money for primary education. It is for the Government now to provide for the expansion of compulsory primary education in any district board where there is a need and the board want to introduce it. Government should meet all the expenses of compulsory education as district boards cannot afford to spend any more.

As to the success of compulsory education, the Director of Public Instruction has said that it has attained success to a great degree. I also admit that in places where it has been managed well it has attained success.

Well, Sir, if that is a fact that we can succeed in that direction then we must provide more money and it is the Government which can provide money. The district boards are bankrupt. Now, Sir, as to age-limit of compulsory primary education I would like to suggest that in the beginning only boys from 6 to 8 years should be admitted in the first year in order to avoid rush, because those students who are admitted at the age of 10 years they go at the age of 11 without learning the alphabet; so it is a waste of money on that account. In the first year, therefore, only where compulsory education is introduced students from 6 to 8 years should be admitted. And in the second year and third year one year should be raised, so in the course of five years boys from the ages of 6 to 11 years will all be in the schools. I think that is a good suggestion and will avoid much cost and unmanageable infant classes, so I will suggest that in future where compulsory education is introduced this method may be applied. Now, Sir, as to the condition of the buildings and equipment I will say that on page 60 it has been noted that there are many schools of the district boards where there are no buildings and for that purpose the Government should also provide more non-recurring grants. The Government says that in five years it has provided about 7½ lakhs as non-recurring grants. So on the average we have only been given 1½ lakhs for one year. There are about 50 districts, so that is only 3,000 per district that is getting this special grant. So, Sir, I think this sum can suffice only for one building. Now, Sir, coming to the equipment the report says that the

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text-books for teachers are not forthcoming and that they are often late. On this matter I would like to point out to the department that it was due to the changes in the text-books every year and so the district boards could not afford to supply in many cases. An attempt to remedy this was made and a circular letter was sent by the department year before last that now text-books for primary schools will not be changed for a period of five years. But, Sir, I find from the proceedings of the Board of Vernacular Education that some books were also sanctioned this year, so I think that there is going to be a departure from that decision and the department is encroaching upon the rights of the chairman. Besides it will cost much to the district boards that are affected. Sir, there is one other unfairness to the districts in that matter. Supposing there is a book of one publisher at eight annas per book, and there are others which are sold at five annas, the department distributes equally to all the publishers. In that way students of some districts have to pay eight annas for the book and others have to pay five annas, and so I think it should be at the discretion of the chairman of the education committee to introduce any of the approved books. Sir, I have to say only this on this subject and with these words I resume my seat.

Thakur Balwant Singh Gahlot: Sir, I am glad that much has been said about the grant to this department. The only point that I want to bring to the notice of the Director of Public Instruction is that unless an adequate grant is given at the right time it is very hard for the teachers to wait for three or four months to get their pay. It may be that some boards delay in paying their contributions, but when the boards have contributed their share of the grant, the Government should not wait to pay their share. In this particular matter I would draw the attention of the Director of Public Instruction to the case of the Bijnor District Board. It was in September last, I think, that they wrote for a government grant and up to now, on account of not receiving the certificate from the Inspector of Schools, the grant has not been made. I personally wrote a letter to the Director of Public Instruction and he was kind enough to send Rs.30,000, but that was only a personal question. Supposing I was not in a position to write to him directly, the district board teachers would have to wait for six months and that certificate is still not forthcoming and the teachers are waiting. The district board has paid not only its own share but the extra amount to the educational side. But the Government contribution being two-thirds, the board's contribution is not sufficient to cover the pay for such a long period. I think some instructions should be issued to the Inspectors of Schools saying that they must send back the certificates within a certain time. I have got all the correspondence with me here, and if the Hon'ble Director wishes I can show it to him and he will know what the facts are. The same is the case with the district board budget. The Inspector of Schools delays them beyond the prescribed period and the general budget is laid before the board very late. It is generally the Inspector of Schools who is to blame.

Mr. A. H. Mackenzie: May I know the object of the cut, Sir?

Thakur Muneshwar Bakhsh Singh: The object of the cut is that Government should provide more money under this head.

Mr. A. H. Mackenzie : As time is getting on I shall confine myself mainly to what I understand to be the honourable member's object, that he wishes to emphasize that more money is required for vernacular education in rural areas. There has been, as explained in the Budget Memorandum, a reduction because not only are the boards bankrupt, but the Government is bankrupt, and the Education Department, like the other departments, has had to make a sacrifice; but as the Hon'ble Minister pointed out in his opening Budget speech, the sacrifice which the Education Department has had to make is, thanks to the Finance Department, a much smaller percentage of its total expenditure than any other department under Government. Moreover, as the Hon'ble Minister said, retrenchment is for departments just as for private individuals, not a bad thing if it compels them to put expenditure on an economical basis. We have found as a result of our enquiries that money has been spent needlessly in some districts on uneconomic schools, and I think that if as a result of the present financial difficulties we are able to work out, in consultation with the boards, means by which the money which has now been given can be used to full advantage without overlapping of facilities, out of the present evil of financial difficulty will come some good.

The honourable mover in the course of his speech, referred to another very important matter—the question of textbooks in vernacular schools. I am afraid that it would hardly be proper for me to go into this question fully at present; but I may explain to him that although the Board of Vernacular Education did recommend a number of extra textbooks to be used in primary schools it is for the department to see to what extent the recommendations of the Board should be carried out so as to cause as little hardship as possible to the schools. I have laid down certain principles which will govern the distribution of textbooks amongst districts. These principles to my mind will reduce the hardship to a minimum and at the same time will be fair to publishers. I shall place these principles later on before the Board of Vernacular Education for any comments or recommendations that they wish to make. But I may assure the honourable mover that as far as possible in this difficult matter the department is endeavouring to introduce changes in such a way that they will cause as little dislocation in the districts and as little hardship to pupils as possible.

Thakur Muneshwar Bakhsh Singh : When no changes in the textbooks were required, why were new books called for by the department?

Mr. A. H. Mackenzie : May I know which books the honourable member is referring to?

Thakur Muneshwar Bakhsh Singh : I am referring to the textbooks of primary schools.

Mr. A. H. Mackenzie : The department did advertise for textbooks some two years ago, I think, because it considered that better books were required. Since then publishers have sent in additional books. These books come before the Board of Vernacular Education in the usual way, and the department has then to consider whether the new books should be substituted for the existing books or whether the total

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number of books should be increased. I think my honourable friend, the mover of this motion has not quite understood me. I have not said that the new books will not be prescribed. Some new books will be prescribed, but in prescribing them we shall endeavour to see that as little hardship as possible is caused to the districts and to the schools. The principles on which we shall go are these:

(1) No book will be changed in any district until it has been in use for two years at least.

(2) Every book will remain on the Curriculum for five years, unless there are special reasons to the contrary.

(3) Not more than three changes will be made in any district in a year. The number of books to be prescribed will be limited.

(4) A dear book will not replace a cheap book.

These changes will be gradually introduced, starting from the lower classes. But as honourable members will understand this is a somewhat difficult and complicated matter. This was the best solution at which the department could arrive and the Board of Vernacular Education will be given an opportunity of expressing their views on the subject.

The motion was, by leave, withdrawn.

Rai Bahadur Kunwar Surendra Pratap Sahi: Sir, I beg to move that under sub-head Primary Education—Grants to Non-Government Schools and Local Bodies, a reduction of Re.1 be made. Sir, I wish to put the issue before the House first. The object of my motion is that whatever powers possessed by the Board of Vernacular Education have been snatched away may be restored and that there should be adequate non-official representation on the textbook committees. Sir, I would have felt no justification for putting these two issues before the House in connexion with the discussion under this head, but as the Director of Public Instruction has already been discussing the Board of Vernacular Education under this Head, instead of under "Direction" he can possibly have no objection when I discuss the same Board of Vernacular Education under Primary Education. Sir, having placed the issue before the House I would draw particular attention of this Honourable House to the fact that for the last two years the Department of Education has been trying to surreptitiously take away the powers of the Legislative Council from its hands in the matter of rural education. This Council was represented on the Board of Vernacular Education. It is still represented, but has no more power. I think you, Sir, as one of the oldest member of the Council will bear me out when I say that it was you who moved for the amendment of the Education Code about the year 1923, and it was on your resolution, Sir, that a committee was appointed by the then Minister, Mr. Chintamani, for revising the Code. Since then for several years the Education Code has constantly been on the anvil. As the time at my disposal is short I will confine my remarks to the question of textbook committees. It would appear from page 82 of the Education Code (1927 edition) that there was originally a committee known as the Provincial Textbook Committee. This

was subsequently replaced by Government by another body known as the Board of Vernacular Education. Reference is given in correction slip no. 114 and the words are "For the existing chapter X (The Provincial Textbook Committee) substitute the following and re-number existing chapter XI (Miscellaneous) as chapter XIII." This came into force some eight years back and by this a certain amount of reform was granted. I am very sorry that I have to address this Honourable House at this far-end of the day when there are only 30 minutes left for the guillotine. I cannot do justice to my cause and so I will confine my remarks to the most salient points of this amendment. Originally (I refer to page 9 of the old amendment) the procedure was worded thus "when a book committee has completed its report on a book the Secretary of the committee shall lay the report, together with a copy of the book before the Board at its next meeting. The Board may confirm, modify or reject the recommendation of the book committee". You will see, Sir, that there were absolute powers for modification or rejection. Now if honourable members will see Education Code, 1932 edition, they will find that these powers have been quietly taken away and the Code has been amended within six months of the change in the Ministry. The new provision runs thus.

"The Board may (1) confirm the recommendation of a book committee concerning any book or (2) refer it back once only for further consideration, or (3) call for a supplementary report from any other committee with which the subject of the book under consideration is in any way concerned, or (4) transmit the recommendation to the Director of Public Instruction with a reasoned statement of its views".

This change means without the shadow of a doubt that the Board of Vernacular Education has now been deprived of the power of modification and rejection which it originally possessed.

The para. regarding the constitution of the textbook committee originally was this: Book Committee A, shall consist of eight members and shall include the Deputy Director of Public Instruction who shall be the Chairman of the Committee and three other members of the Board." The Board elected its representatives on the committee. "Book Committees B, C and F shall each consist of eight members and D, E and G, each of seven members, two of whom shall be members of the Board. A majority of the members, of any book committee shall consist of persons engaged in educational work." There was some sense in these properly constituted committees. The Legislative Council was represented on the Board of Vernacular Education by election and then again on the textbook committees by another election. What has now happened is that non-official representation has been entirely taken away and the original section has been replaced by section 409 of the present Code (1932) which runs thus:

"The Government will appoint the following committees for the consideration of books for the use of vernacular schools and in the primary classes of English schools and for the advanced Hindi and Urdu examinations."

Honourable members will see that there is no constitution whatever: whomsoever the department thinks proper it can appoint. It can appoint X, Y, or Z, and nobody can question whether they have

[Rai Bahadur Kunwar Surendra Pratap Sahi.]

appointed the right person or the wrong. As a result of this change what has happened since is that non-official representation on these textbook committees has ceased and the committees have become 99 per cent. or cent. per cent. official committees. The committee members have been told to keep absolutely secret the textbooks from the non-official members of the Board. No matter whether they be members of the Council or representatives of the District Boards or of Municipal Boards—whatever position they may hold—they are always to be kept at arms length. I have shown you, Sir, how these vital powers which were so very indispensable for the Board of Vernacular Education in order to have popular control on rural education have been removed. Now, it is my very painful duty to point out to this House the activities of one of these official textbook committees. I wanted to know the cause for this removal of non-official members and I was told informally that certain non-official members have not acted wisely in the selection of the books. It was also alleged confidentially that some were not honest. I doubt if a responsible member would do anything like that. If he does, he could be taken to task under section 409 of the same Education Code where there is sufficient provision. It reads thus: "The Government reserve power to call at their discretion, without giving any reason, for the resignation of a member of a book committee who in their opinion has abused his position." It will be seen that it was not at all necessary for the Minister to have removed each and every non-official from those committees. If one man had done a thing dishonestly he alone should have been made to suffer and not the whole class of non-officials; to my mind honesty and dishonesty are matters of individuals. One cannot call all non-official members dishonest and all officials honest or vice versa. If one member has acted dishonestly, he must be punished, and we shall be very happy. If there is one black sheep, she ought to be removed. But one certainly cannot cast a stigma on the Legislative Council as a whole that they are all dishonest. We are told that in a year we shall have provincial autonomy when we shall decide the fate of the whole province. When we can be trusted with responsibility of managing the whole province why cannot we be trusted with the selection of these textbooks? The Hon'ble the Home Member and the Ministers are drawn from our ranks. Are they dishonest? Can it be said for a moment that there will not be a sufficient number of non-officials in the Legislative Council even half-a-dozen who can be picked out, who can be called honest and who can be trusted with the responsibility of selecting textbooks for vernacular schools? The purely official committee is presided over by the Deputy Director of Public Instruction and the members are all paid officials of the department. Such a committee made a selection and, I had a complaint, more or less of the nature, that fairness was not used in the selection of these books. I went to see Mr. Harrop in the Legislative Council when he was officiating for the Director of Public Instruction and told him that I had received a complaint like that, and I, as a member of the Board of Vernacular Education, was entitled to get copies of those books for finding out the truth. He said "Kunwar Sahib, the arrangement is that the books are not to be made over to non-officials but as a special case, I am going to lend you

the books, and I hope that they will not be shown to anybody." I gave him my word as a gentleman. He sent me seven sets of books, when there was hardly a week for the meeting of the Board of Vernacular Education. Ordinarily a mass of about a thousand books are to be scrutinized at these meetings. Only two meetings are held in a year: one in December, another in July. The meetings do not last for more than two days. What is to be done: we cannot go through each and every one of them: we cannot even say N. R. which means "Not required," though much time and labour must have been spent by the authors in writing these books. We cannot be expected to go through all these. What we are wanted to do is to endorse all the recommendations of the official textbook committees. I took pains to go through 3,600 pages of the textbooks. I underlined unsatisfactory passages; and went and saw Mr. Harrop a day before the meeting. I had found that in the textbooks selected by the official committee there were lessons in which even sexual intercourse was discussed. I had found that in those books there were such passages which could produce in the minds of the boys class hatred, communalism, disloyalty and even sedition. We could neither modify nor reject these selections as I was told by the Chairman presiding that the resolution was to be so worded as to come within the competence of the Board. I then moved a resolution requesting the Director of Public Instruction to re-examine the whole question and substitute new books. We found that the official members barring the ladies were unanimous and adamant in their opposition. Then I had to make use of that clause which provided for the transmission of the recommendation to the Director of Public Instruction with a reasoned statement of the facts. In order to do this I had to discuss paragraph by paragraph and sentence by sentence all the undesirable contents of the textbooks. When I alleged that there were certain indecent sentences which could not be tolerated in the textbooks, I was challenged by the official members of the textbook committee present, to read out the passages. I said that they were so filthy that they could not be read out in the presence of the lady members present there. I asked for the ruling of the Chairman, Mr Harrop, and he said "Kunwar Sahib, I agree with you that they cannot be read out in the presence of the ladies here."

Well, Sir, if there were such filthy sentences which could not be read in the presence of the ladies, and in this fact I had the support of Mr. Harrop, that should suffice as a more than sufficient condemnation of any textbook of the kind. The officials began to oppose the resolution. There was opposition from every official member. My resolution was that I wanted the whole matter to be referred to the Director of Public Instruction and that he should make the necessary change. His own subordinates it seemed had more competence than the Director of Public Instruction himself. They said "No, it should not be referred to the Director of Public Instruction." When I said look here, what position are you creating when you as his subordinates do not want to submit the case to him? What does it mean? Does it not mean that you have no-confidence in your own departmental head." Later on, all the lady members present, the European members present and all the non-officials present voted down the opposition. At this meeting the attendance was full.

[Rai Bahadur Kunwar Surendra Pratap Sahi.]

I will take you, now, Sir, to the constitution of the present Board of Vernacular Education and I will show that this Board cannot be called an irresponsible Board. It is provided that the Board of Vernacular Education shall consist of 19 members: the Director of Public Instruction, United Provinces, *ex officio* Chairman; (1) the Chief Inspectress of Girls' Schools; (2) the Inspector of Muhammadan Schools; (3) the Registrar of Departmental Examinations. Four official members nominated by Government. An Inspector of Schools. An Assistant Inspector of Schools. A Deputy Inspector of Schools and a Headmaster of Government Normal Schools. Three members elected from among themselves from the non-official members of the Legislative Council. Three representatives of the local bodies nominated by Government. Three non-official educationists nominated by Government of whom one shall represent the depressed classes. Two ladies nominated by Government of whom one should be a Muhammadan. This is the constitution. Out of nineteen members there are only three members of the Legislative Council who are elected. The rest are nominated. Out of sixteen there are nominated members and officials holding posts which are highly responsible, like the Registrar of Departmental Examinations, the Chief Inspectress of Girls' Schools. They are spending their lives in the discharge of responsible duties. If they cannot be trusted, if a responsible body like this cannot be trusted, what is to be done? Can we trust nobody but the Director of Public Instruction?

Another objection which I have is that I have found that books written by the Director of Public Instruction are being taught in schools from the lowest to the highest classes. I have got a bundle of such books here, and I will challenge anybody to show that they are not written by him. The older editions printed five or six years back bear the name of Mr. Mackenzie. They do not bear it now. The book is the same as has been sold in the market previously and is prescribed in the curriculum. Will Mr. Mackenzie come forward and say that it is not written by him? He will, I think, come forward and say that he had committed that sin in some past incarnation of his. I do not allege that he has been making money. I never expect from a responsible officer of his position to do anything like this, but he must take care now. When he has appointed official committees composed entirely of his own subordinates, does he expect for one moment that these official committees will go out of their way and reject his book? Let anybody here go and ask in the market to let him have Mackenzie's Arithmetic and he will get it although the name of Mr. Mackenzie will not be there. Under the Press Act if there is a book which does not bear the name of the author, the publisher is prosecuted. If I am wrong in this statement of mine I hope the honourable the Legal Remembrancer who is sitting here will correct me.

Well, Sir, I want to know how these works, e. g., Modern Arithmetic and senior and junior geography books—which are both in Urdu and Hindi and written by the Director of Public Instruction, happen to be still on the curriculum. The name of the writer does not appear on these books. They are printed and sold. May I know why no action has been taken under the Press Act because the name of the

writer is not on the books. I imagine that the right has been sold to the press. They are selling it as their property. Some of these books were written in 1918 and sufficient profit must have been made on them. The Director of Public Instruction cannot deny the fact that he had written the books for making money. Sir, it is a fact that in these days of unemployment the only thing which is most profitable is to write schoolbooks. You know, Sir, that on an average the attendance in schools is about 10,000 students in a district. There are 48 districts in the province so the total attendance is about 4,80,000 in July. If one pice per student is taken to be the profit on the sale of a book it means 4,80,000 pice is collected in one week in July. It is for that reason, Sir, that I want that there should be sufficient and strong representation of non-official members on the textbook committees. So long as there are officials and so long as they are subordinates of the Director of Public Instruction on the committees who look to him for their promotion, they can do nothing else but handicap outside competition of their own accord. That is my point. There are hundreds of educated people who are unemployed today and if they are given the opportunity of writing books and placing them before an impartial committee composed of officials and non-officials they will not feel the pinch of unemployment nor will they feel that the committee has been unjust or partial. For this reason I want to move the second point in connexion with my motion, and that point is to put in more non-official members on the textbook committees. As regards the Board of Vernacular Education, I have already said that they are responsible men and almost all of them are Government servants in responsible positions. The Board must therefore get back its powers. I regret I cannot say more as the discussion cannot go on after 4.30 p.m. today. I stop at this and sincerely apologize to the honourable members of this House for the time I have taken, but I honestly feel that the non-official members have been let down and this is a question of prestige. I do not want that honourable members may make speeches at this late hour to support my motion. I only want their solid vote.

(Pandit Shri Sadagatan Pande and Mr. Mackenzie both rose.)

The Hon'ble the President: It is but fair that in view of the time at our disposal, Mr. Mackenzie should have his say at once.

Mr. A. H. Mackenzie: Mr. President: It would strain my Parliamentary vocabulary to reply adequately to the outburst to which we have just listened. But I have not got into any state of excitement, because I have been a member of this House for over ten years and honourable members know my character and they know the character of the mover of this resolution. I am quite prepared to leave the matter at that. The mover has referred to my interest in textbooks. It is true that I wrote textbooks, textbooks in arithmetic and geography. These textbooks were published by the Indian Press, Allahabad. I drew an annual royalty from the sale of these textbooks. When I was appointed to my present position, Director of Public Instruction, I sent for the Manager of the Indian Press and I said "I am now Director of Public Instruction and I have no interest whatsoever in textbooks." I was, under my agreement with the Press, entitled to receive a royalty, an annual royalty. The Manager

[Mr. A. H. Mackenzie.]

of the Press, being a businesslike man, said "Well, you have been receiving a royalty. Will you receive a lump sum down for your interest in the books?" I said, "No; I shall not receive a lump sum down and I shall not continue to receive a royalty." I said, "You may tear up the agreement for these books. The whole profit that the books may make is yours. I shall retain no interest whatsoever in the books." But I said "I give you a free gift of money which I could claim under my agreement. I give it to you on one condition and that condition is that my name shall not appear on these books." The reason is obvious. If the Director's name appears on books, obviously it will influence teachers and others to buy those books. I therefore insisted that my name should be taken off those books.

Mr. Zahur Ahmad : The books are the same.

Mr. A. H. Mackenzie : The books are the same, published by the press. They belong to the press. Now I ask the fair-minded members of this House what more could I honourably have done in the circumstances. I gave up my interest entirely in those books; I have no financial interest in them left. I did not retain a financial interest in them a day after I was Director of Public Instruction.

Mr Zahur Ahmad : Were they in the press ?

The Hon'ble the President : Mr. Mackenzie is entitled to a fair say.

Mr. A. H. Mackenzie : I surrendered my entire financial interest to the press. The very precautions, which I took to ensure that I had no connexion whatsoever with textbooks and that even my name would not be used to influence their sale, have been made during the past two days by two persons, the material for lying, malicious slanders in the lobbies of this House. The mover of this resolution has placed himself on a pedestal and would ask honourable members to say "here is public virtue." This is the man who alleges what in plain terms is corruption by the Director of Public Instruction. He alleges that and yet he made no effort whatsoever to find out the truth. This is the person who now asks the House to regard him as the custodian of public morality. Let me take the other person who has along with him been slandering the Director of Public Instruction in the lobbies of the House. This other person recently took a publisher to the Minister for Education. He said : "This publisher has a grievance against one of the officers of your department." What is that grievance ? It is that that officer is connected with a press in Allahabad. I looked into that complaint and found that that officer had written a book for which he received only a lump sum of Rs. 300 down. I further found in my own files that this officer had criticized at length certain books of the press which had published his books and on account of his criticisms these books were removed from the curriculum. I could not therefore understand how it was that the publisher who approached the Minister should complain of this member of the department. So I took pains to make further inquiries and the facts are that this publisher published books on behalf of the father of this officer of the department. The publisher knew that the son was the departmental critic of textbooks.

He said to the father " You must bring influence to bear on your son in order that he may help us to get our books prescribed " The father refused and the result was that he broke his connexion with the publisher and now the publisher uses as an agent a member of this House to ruin the career of that officer of the department. This is another type of individual who is on the Board of Vernacular Education and now wishes to have further control over our textbooks. I have personally no feelings in the matter of non-official representation on the Textbook Committee. The Hon'ble the Minister has adopted a scheme which was laid down by his predecessor. I am, however, quite sure that he will be prepared to go into the whole question on its merits. One caution, however, will be necessary. It is not those, who most loudly proclaim their vigilance, who are most reliable. While it is not unreasonable to have a non-official element on our textbook committees, what we shall have to see is that those who pose as the custodians of public morality but are themselves the jackals of dishonest publishers do not represent non-officials on these committees. There are non-officials and non-officials and we can find non-officials who can be trusted to serve on these committees. It is therefore not to the principle of non-official representation on our committees that I object. All this excitement and pother has arisen over certain textbooks which were said to have contained indecent passages. Long before these textbooks went to the Board of Vernacular Education, long before the mover of this resolution stood up as the champion of public morality, the Director of Public Instruction (I myself) was aware of these textbooks. My friend Mr. Joti Prasad Upadhyaya brought me these textbooks in Agra long before the Board of Vernacular Education met, long before they passed their resolution. And what has the department done ? When the Board of Vernacular Education passed its resolution regarding these textbooks, I appointed three reviewers to go through not only these textbooks but all the 20 textbooks that had been submitted by publishers. One reviewer was Mr. Naqvi, Inspector of Muhammadan Schools, another was Rai Sahib R. S. Misra, Inspector of Schools, and the third was Mr. Mathur, Headmaster of the Normal School, Allahabad. These reviewers unanimously came to the conclusion that two out of these 20 textbooks were suitable and unobjectionable, and accordingly I have prescribed these two textbooks as books for the next year, two out of the whole 20, because, I have had independent opinion that they are unobjectionable in every way.

I do not think I need say more on the whole question. I regret that I have had to speak as strongly as I have spoken about two members of this House, but I think I have on my side all decent opinion.

Rai Bahadur Kunwar Suren Ira Pratap Sahi : I have nothing else to say.

The Hon'ble the President : I have not yet called on the honourable member. Pandit Joti Prasad Upadhyaya.

Pandit Joti Prasad Updhyaya : Sir, in connexion with this motion, since the question of the textbooks has been taken up, I wish to point out a grievance of the publishers of the textbooks, which has got nothing to do with the present discussion. Originally in the year

[Pandit Joti Prasad Upadhyaya.]

1932 five sets of readers were prescribed for primary schools in these provinces, and it was understood—I think a rule was issued by the Director of Public Instruction—that these textbooks would be used for five years, and that there would be no change and no new books would be prescribed to take their place during this period. Now these publishers, whose books had been sanctioned by the Textbook Committee and who had sufficient stock of books at their disposal for sale all over the province, have been very much disappointed. . . .

The Hon'ble the President: It is half-past-four now and the demand under discussion has to be put to the House. The original demand was for a sum of Rs.1,90,52,769, since when cuts for Rs.11 have been carried. The net demand therefore is Rs.1,90,52,758.

The question is that a sum of Rs.1,90,52,758 be granted for Education.

The demand was put and voted.

The Council was adjourned at 4.32 p.m. till Thursday, the 16th March, 1933.

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